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New York (State)

Commissioners on the New
Report of the Commissioners
to ascertain and settle the

No. 36.

IN SENATE,

February 8, 1861.

REPORT

Of the Commissioners to ascertain and settle the boundary
line between the States of New York and Connecticut.

ALBANY, February 8, 1861.

Hon. ROBERT CAMPBELL,

President of the Senate.

Sir—The undersigned Commissioners, appointed to ascertain
and settle the boundary line between the States of New York
and Connecticut, herewith transmit to the Legislature a full
report of their proceedings, and of the expenses incident thereto.

Respectfully yours,

ISAAC PLATT.

JACOB VROMAN.

LEANDER D. BROWN.

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REPORT.

The controversy between the States of New York and Connecticut has been called, and perhaps justly, one of the most extraordinary of the kind, especially in enlightened times and between friendly States, each professing to have a proper regard for the rights of the other.

It is difficult, if not impossible, to account for the many embarrassments and controversies that have attended it, extending over a period of about two centuries, and its history is worthy of special attention at this time, as illustrative of the importance of our position, when we feel that we may be warranted in stating that it has been finally terminated in a manner just to the respective States, and satisfactory to all directly concerned.

A reference to a few prominent facts will serve, not only to show the character the controversy has at times assumed in the distant past, but in events of recent date, and also the importance of the conclusions to which we have arrived, fully sustaining the interests of New York while respecting as sacredly the rights of Connecticut.

The original strife had its origin in the early settlement of emigrants from Connecticut on Long Island Sound, within territory claimed and held by New York. The bounds of the respective provinces not being defined by any distinct lines, and the people not fraternizing with the Dutch settlers of New York, but being anxious to remain under the jurisdiction of Connecticut, an effort was first made in 1664 to have a boundary located and defined, and for that purpose Commissioners were appointed on the part of the Duke of York, and delegates on that of the colony of Connecticut. An arrangement between these parties was made, but so little was then known of the situation of the country and the interior localities, that it was found so

full of errors it could not be carried into effect, and was therefore by consent abandoned. But the settlements went on, and controversies respecting jurisdiction were so frequent, that in 1683 a new agreement was made to remove the troubles, in which it was stipulated that a tract on the Sound, the bounds of which were described to contain 61,440 acres, should be permanently set off to Connecticut by New York, on condition that the former should in exchange set off to New York a territory of like extent, to be of equal width from the tract on the Sound to the south line of Massachusetts. This agreement was sanctioned by a royal ordinance of William the Third, and carried into effect in 1684, so far that the tract on the Sound was surveyed and set off to the full possession of Connecticut.

A simple contract to make an exchange of an equal number of acres of land was certainly not apparently one of difficult execution, and the natural conclusion of the disinterested observer would be, that its fulfillment, on both sides, would immediately follow. But instead of such prompt fulfillment, while Connecticut had her share secured, and in possession, the equivalent due New York was withheld under various pretexts, for the extraordinary period of forty-eight years. The obstacles in the way of a settlement were invariably made on the part of Connecticut, and in no instance on that of New York, rendering it doubtful for a time whether the latter would ever obtain her share at all.

The singular fact appears that instead of taking steps to carry her agreement of 1683 into effect, Connecticut made no movement until 1697, when she encouraged the towns of Rye and Bedford, in Westchester county, to revolt against New York, claiming them as her territory, and the same Governor who had signed the contract alluded to, fourteen years previously, demanded those towns for Connecticut, in violation of that contract which placed them beyond dispute in New York.

After the contest respecting Rye and Bedford, matters remained stationary for twenty years, and until 1717, when New York made another attempt to obtain her rights, by passing an act to provide for the survey of the equivalent tract. At her solicitation, in 1718, commissioners were appointed on the part of Connecticut to meet those of New York already appointed, but their labors, on consulting, were without effect, as those of Connecticut would agree to nothing practical, and were not vested with authority to bind their government.

In the following year New York made a further attempt at an arrangement, by appointing another set of Commissioners to meet those of Connecticut and settle the line amicably; and as all previous efforts had proved unavailing, it was provided in this instance, that if Connecticut would not assent to something practical, the New York Commissioners should be authorized to proceed alone, to run, and fix the line *ex parte*, but in strict conformity with the agreement of 1683, nine months' notice being first given to Connecticut, to give her Commissioners an opportunity to participate in the work if so disposed. This act was subsequently sanctioned by a royal ordinance, although the agents of Connecticut in England at the time made every effort in their power to prevent it.

This last act brought the controversy to such a position that Connecticut was finally obliged to take definite action. Still, nothing decisive followed, although various propositions were made, and acts passed, until 1723, when Commissioners with authority to act and settle the boundary from Long Island Sound to Massachusetts line were again appointed on both sides.

These Commissioners held several meetings in 1724, but at all these nothing was accomplished in consequence of the steady refusal of those of Connecticut to test the correctness of the points claimed by them as authentic monuments defining the bounds of the tract on the Sound ceded by New York; and also by reason of their questioning the provisions of the agreement of 1683, for ceding to New York lands over twenty miles east of Hudson river. The proceedings were ended by their abruptly leaving the conference.

But in 1724 Connecticut took definite action in the case, and again appointed Commissioners on her part, fully authorized in this instance to enter into an agreement with those of New York to survey and set off the equivalent tract, and fix and mark the line to divide the provinces.

In 1725, the Commissioners on both sides, making the fifth set appointed for the same purpose, met, came to a full understanding, and entered into articles of agreement settling the manner of the survey. This, let it be understood, was at the end of sixty-one years after the commencement of the controversy, and forty-one years after Connecticut had received her share of the territory exchanged. But even this last movement resulted in nothing further for the time being, than the running again of the line

bounding the tract on the Sound, which Connecticut already held. Action, from some cause, was suspended until 1731, when the Commissioners of 1725 took hold of the work in earnest, surveyed and set off the oblong or equivalent tract to New York, defining its eastern boundary as that which was forever to remain the boundary between the respective States.

Here may be stated two striking facts having a direct bearing, not only upon the original settlement, but also upon questions relating to the boundary, so far as it has since been found pending between the States. They are these: In October, 1730, an act was passed by the general assembly of Connecticut, in which it was stated, that under the agreement of 1725, a part of the boundary dividing the provinces was "*actually run, ascertained, and fixed by proper monuments,*" and the line so run was formally ratified in the same act. Further, in that act, reference was made to the remainder of the line, to include the Oblong, then to be surveyed under the agreement referred to, in which, after citing the agreement, it was enacted that, "*The lines when run, and the places distinguished through which they should pass, should be the boundary.*" This, let it be understood, was the independent action of Connecticut, fixing by law the line of monuments as located by the surveyors, to be her permanent boundary, and depriving subsequent Commissioners or surveyors of the power to change them. One fact more will be sufficient to dispose of this part of our subject.

After the survey of 1731 was completed by the joint action of the Commissioners on the part of New York and Connecticut, an indenture was executed by said Commissioners, pursuant to the authority delegated to them, in which the Commissioners of the latter State (then colony) on their part formally transferred to New York all the lands contained in the oblong, or equivalent tract, in conformity with the original agreement of 1683, and the subsequent one of 1725. All the Commissioners agreed upon the east lines of said oblong or equivalent tract, fixed and marked by themselves, and minutely described in their survey, as the permanent boundary of the respective States (then colonies), defining it to be by the lines as "*said lines run through the several monuments*" as "*erected by the said Commissioners, on the east side of said additional lands.*" This arrangement, or transfer, was subsequently sanctioned, without reserve, by both the contracting parties, and also, the same year, by a royal ordinance of King

George the Second; thus giving to the transaction all the forms of law as well as of contract. The ordinance, like the indenture, expressly stipulated that the line should be "*at the several monuments erected by them (the Commissioners) on the east side of said additional lands.*"

In presenting this sketch of the controversy and final arrangement between the States, it is not our object to cast reproaches, or draw unfavorable inferences, respecting what appears to us an extraordinary course on the part of Connecticut. But to set forth the origin, progress, and conclusion of the original and long protracted negotiations, and also to show, as we trust the facts do most clearly, that when the survey and transfer of the oblong was concluded, sanctioned by the parties and by the crown, in 1731, there remained no room for further controversy, or ground for negotiation respecting said boundary lines, unless one or both parties should resolve to disregard the obligation of contracts.

Under this view of the subject, which the premises show to be a just one, it is clear that after the settlement of 1731, the only legitimate subject of difference that could arise between the States, might be with reference to the original and true location of those lines. The lapse of a long period of time, the changes that necessarily come over the face of the country in the course of a century or more, the removal or obscurity of the original land marks, would naturally make a new survey and marking of the line necessary for the convenience of the people, and remove subjects of controversy: but beyond that the parties left no matters for new adjustment.

That the original settlement of the line was satisfactory to all parties concerned, we have the further evidence in the fact that for more than a century no controversy respecting it arose, either between the States or the people on their borders. It was not until subsequent to the year 1850, when the trees which had been marked had all disappeared, some of the monuments been removed, and, owing to changes among the people few of them knew of the monuments remaining, that questions of jurisdiction were raised, and controversies began respecting the true position of the original line. Doubts which none had authority to solve, made the difficulties more and more serious, so that on the first Wednesday in May, 1855, Connecticut made a proposition to ascertain the true position of that line by having a new survey of it made, and new monuments placed upon it. As a first step

for promoting this object her Legislature, or General Assembly, on the day above named, passed the following preamble and resolutions:

Whereas, Sundry differences and disputes have arisen among the inhabitants resident near the line dividing the States of New York and Connecticut concerning said dividing line, and most of the bounds and monuments erected on and along said dividing line have been removed or destroyed, rendering it now uncertain to which of said States sundry citizens, resident as aforesaid, belong: Now, therefore, it is

Resolved by this Assembly, That William H. Holly, of Stamford, and Jason Whiting, of Litchfield, be and they are hereby appointed Commissioners on the part of this State, to be duly commissioned by the Governor, to ascertain the boundary line between this State and the State of New York; and the said Commissioners are hereby authorized and empowered to meet such Commissioners as may be appointed and vested with similar powers by the Legislature of New York, and with them, as soon as may be, to ascertain the said boundary line, and erect suitable monuments at such places as they shall deem necessary to prevent any future mistakes concerning the same; and said Commissioners are authorized to employ necessary surveyors and chainmen to assist as aforesaid; and said Commissioners are to make report of their doings to the General Assembly of this State. And in case of the death or resignation of said Commissioners on the part of this State, or either of them, the Governor of this State is hereby empowered to fill the vacancy or vacancies so occurring.

Resolved, That the Governor of this State be requested to transmit a duly certified copy of the foregoing resolution to the Governor of the State of New York, to be laid before the Legislature of that State.

This proposition was submitted to the Legislature of New York by the Governor, on the 25th of January, 1856, and acted upon by that body on the 15th of April following, when the following preamble and concurrent resolutions were passed:

Whereas, It is represented on the part of the General Assembly of the State of Connecticut, that sundry differences and disputes have arisen among the inhabitants residing near the line dividing the States of New York and Connecticut, concerning said dividing line, and that most of the bounds and monuments erected on and

along said dividing line have been removed or destroyed, rendering it uncertain to which of said States sundry citizens, resident as aforesaid, belong: Now, therefore, it is

Resolved, That the Governor appoint three Commissioners, to be duly commissioned by him, to meet the Commissioners appointed by the General Assembly of the State of Connecticut, and with them, as soon as may be, to ascertain the boundary line between this State and the State of Connecticut, and to erect suitable monuments at such places as they shall deem necessary to prevent any further mistake concerning the same: said Commissioners to be authorized to employ necessary surveyors and chainmen, to assist as aforesaid, and to be required to report their doings and the expenses attending the same, to the Legislature of this State; and in case of the death or resignation of said Commissioners on the part of this State, or either of them, the Governor of this State is hereby empowered to fill the vacancy or vacancies so occurring.

Resolved, That the Governor of this State be requested to transmit a duly certified copy of the foregoing resolution to the Governor of the State of Connecticut, to be laid before the General Assembly of that State.

An examination of these proceedings will show that the true character of the proposition by Connecticut, and its acceptance by New York, could not be mistaken. The only authority conferred upon the Commissioners on either side, was to *ascertain*, and with suitable monuments to mark, the original line.

Pursuant to authority conferred by the resolutions adopted, the Governor, on the 9th of April, 1856, appointed the Hon. Ben. Field, Samuel D. Backus and Jonathan Tarbell, Commissioners on the part of this State, to act with the Commissioners appointed by Connecticut, to ascertain, survey and mark the boundary line.

These Commissioners conferred with those of Connecticut, and after they had organized a joint board, and agreed upon the mode of proceeding, they employed Mr. C. W. Wentz, of Albany, an engineer of established reputation and ability, to survey the line. Mr. Wentz entered upon the duties of such survey, with a party properly organized, on the 25th of June, 1856. The line was run without controversy between the Commissioners, from the great stone at the wading place on Byram river, to the Duke's trees, then on the line parallel to the Sound to the Wilton angle, and

thence to the Ridgefield angle. Thus far it would appear that the Commissioners agreed.

But from the Ridgefield angle northerly to the monument in the south line of Massachusetts, a different policy was pursued, the original line was not traced or followed, but Mr. Wentz first run a datum line, and from that located a straight line between the two points, by measurements, on perpendiculars from the datum line westward, at various points. These surveys were so far completed on the first of November, that the surveying party, having been engaged in the field one hundred days, was dismissed.

The location of the straight line between the Ridgefield angle monument and the Massachusetts line monument, revealed the fact that the line as originally located, as shown by the monuments found on it in this survey, was not straight, but inclined to the east of a direct line so far, at various points, that to abandon it and adopt a straight line in its stead, would cut off from this State a tract of about two thousand eight hundred acres, and between two and three hundred inhabitants, who had always been residents of New York.

This immediately brought up an irreconcilable subject of controversy. The Commissioners of New York insisted that as the old line was defined to follow the line of monuments, that should be adhered to; while the Connecticut Commissioners insisted upon a straight line between the points named. Several efforts were made to effect an arrangement, but in vain. The Connecticut Commissioners remained immovable. No further progress could be made, and no part of the survey was adopted.

Reports of the survey and proceedings were made by the engineer, and by the Commissioners, but, besides providing for the expenses incurred, no legislative action was taken beyond the passage of the following preamble and resolutions, sustaining the course of the New York Commissioners in refusing to yield up any portion of the territory of the State:

Whereas, The Commissioners appointed on the part of New York and Connecticut respectively, to ascertain the boundary line between the two States, have been unable to agree in relation thereto,

Resolved, That the Commissioners on the part of New York, while they have maintained the rights of this State, by declining to yield any of its territory or to adopt any other than the legal and recognized boundary through the ancient landmarks, have

not been lacking in liberality towards the Commissioners on the part of Connecticut, nor in proper effort for a just and speedy determination of the matters in difference between them, nor are they to be held responsible for the failure of a settlement hitherto.

Resolved, That relying upon the Legislature of Connecticut to correct the errors of its Commissioners, we deem no legislation necessary on the part of this State, in relation to this subject at the present time.

From this point of the controversy nothing further was effected by the former Commissioners; all efforts at an agreement proved vain. It is unnecessary to state here what conferences were held, or propositions offered, as none on the part of this State were accepted by Connecticut. In August, 1859, new Commissioners were appointed on the part of each State, who still continue to act. These Commissioners had their first conference at Port Chester, on the 13th of September, 1859, at which a joint board was organized by the appointment of Isaac Platt, of the New York commission, chairman, and Joseph R. Hanley, of the Connecticut commission, secretary.

As the difficulties that had attended the proceedings of the former commissioners were known, the first proposition offered on our part was for a survey of the original line, contained in the following resolution by Mr. Brown, in our behalf:

Resolved, That we will proceed immediately to trace and define the boundary line between the respective States, as fixed by the commissioners on the part of both in 1731, in compliance with an agreement previously made in 1725, commencing at the mouth of Byram river, and following the line of monuments and marks originally placed to mark said boundary, to the monument in the south line of Massachusetts, at the north-west corner of Connecticut, and north-east corner of the oblong.

This fair proposition was immediately rejected by the Connecticut commissioners, on the ground, as they alleged, that the original line could not be traced with any certainty, and that the old monuments and marks were generally removed. To this we replied, that there were good grounds for believing most of them could be found and identified, and where removed we could find fences and other evidences as to their original locality, that would be sufficient. We insisted further, that whatever might be the condition of the line, it was our first duty to make the effort to trace out its true position, by a careful examination, and

that to aid us in that, competent engineers should be employed on both sides to make the requisite notes and observations at the points of interest. To these propositions, after some hesitation, the Connecticut commissioners gave their assent. They offered no proposition on their part. The board adjourned to the 20th of September then instant.

On the day named, the joint commission again met at Port Chester, each party having a competent engineer, provided with the requisite instruments for taking observations. After examining the localities at the mouth of Byram river, the Connecticut commissioners suggested that there would probably no differences arise with reference to the manner of running the lines between the Ridgefield angle and the great stone, and that therefore it would be economy of time to proceed immediately to the said angle point, and explore the line from there to the south line of Massachusetts. Believing that if the line referred to could be agreed upon, there would be no difficulty with reference to the others, we accepted this proposition, and proceeded on the following day to the point designated.

The Ridgefield angle monument, was found to be a heap of stones, like the other monuments, put up by the surveyors of 1731. Tradition designated it as a well established point, and no question was raised on either side respecting its identity. We proceeded along the line of fences dividing farms, which have always been considered as standing on the line, to the two mile monument, well described, then to the four mile monument at Mopo brook, which in all respects answers the original description, especially in its position from the bank of the brook, which certainly had not been changed for centuries. The eight, fourteen, sixteen, eighteen, twenty, twenty-eight, thirty, thirty-three, thirty-five, forty-two, and forty-four mile monuments, were all found without difficulty, and readily identified, as their location corresponded with the description in the old survey. Where the intermediate monuments were not found, evidences of their original position were obtained which were sufficient, by the location of line fences of ancient date, reference to the adjacent localities, and tradition. So satisfactory were the evidences of the true location of the line, that there was no question raised on the part of any of the commissioners respecting them, or any doubt suggested except perhaps in two or three instances. As further evidence of the correctness of our conclusions, we may add that

the twenty-eight mile monument was the recognised corner of the Housatonic Indian reservation; the thirty-five, the corner of the towns of Sharon and Kent: and the forty-four, of the towns of Sharon and Salisbury, all in Connecticut, joining New York at the points named.

The labor of exploring this line was finished on the 4th of October, and while ample time was given for every examination that was considered essential by any of the party, or the engineers, not a single dispute had arisen.

The line was not found to be straight; the survey of Mr. Wentz proved the two mile monument to be five chains and eight links east of such line; the four mile monument, seven chains and twenty-seven links, and the six mile, ten chains and twenty-six links. In like manner, the forty-seven mile monument point, the first south of Massachusetts line, was found to be thirty-six rods east of such line. But these facts in no respect affected the identity of the monuments found, or the evidence obtained of the true locality of the original line. Why such line was not made straight, could be easily explained in the fact, that in the survey of 1731, that line was not run directly from point to point, but monuments to mark it were placed at the end of perpendiculars, run from the west line of the oblong, over nearly level or very uneven surfaces, as the case might be, by a compass subject to constant variations, owing to mineral deposits.

As it was found that the original line could be accurately traced, we flattered ourselves that we should have no difficulty in coming to an agreement in favor of again running and marking that line which had been the recognised boundary of the two States for one hundred and twenty-eight years. Indeed, there appeared no room for difference, especially as all immediately interested wished things to remain unchanged.

The preliminary examinations being ended, the joint board met at Lakeville, Connecticut, on the fifth of October, 1859, when we proposed an agreement for the survey of the line we had traced, that it might be immediately established, to end all further dispute. To our surprise, the Connecticut commissioners announced that they had no proposition to offer. Mr. Vroman, of the New York commission, then offered, on our behalf, a resolution for the survey of the line by running through the several monuments and monument points, from Massachusetts to the Ridgefield angle, as they had been found. This was immediately

rejected by the Connecticut commissioners, although they gave no valid reasons for such rejection, and surprised us by insisting, for the first time, that a straight line should be run in disregard of all the intermediate monuments, and other evidences we had found, showing where the line was located and should be established.

Hoping to remove their objections to a resolution specifying in detail the line to be run, Mr. Platt, of the New York Commission, then proposed one providing in general terms for the survey of the line that had been traced and ascertained; but this met with no better reception.

Finding our efforts at an arrangement useless, we consented, at the request of our Connecticut associates, to an adjournment to North Salem, in Westchester county, on the 12th of October, to test the width of the oblong at the Ridgefield angle, which they seemed to consider important.

We met them at the time and place appointed, with their engineer, provided with transit, chain, &c., as if all ready on their part, to enter upon the survey. The day was spent in ascertaining the position of the original angle monument, purporting to be twenty miles east of Courtlandt's Point, on the Hudson River, and in measuring across to the present angle monument, and the distance was found to correspond so nearly with that given in the old survey, that the difference was only nineteen links.

The board then met and a further effort at an arrangement was made. As usual the first call was upon us for propositions, when, as a renewed effort at compromise, Mr. Brown offered, on our part, a resolution to run the line through the prominent and unquestionably well established points, omitting those that might be considered obscure or doubtful, and also through the centre of the village of Hitchcock's Corners, to promote the convenience of the people of both States.

The line, as here proposed, would change no residences, and therefore we were willing to yield something in the hope of effecting a compromise. But the proposition was immediately rejected. Other efforts at an agreement were made on our part, which it is unnecessary to repeat, as none of our offers were accepted.

When our efforts at conciliation were exhausted, the Connecticut Commissioners made the singular proposition, (as if no survey or conveyance had ever been made,) to run the original *west line* of the oblong again, from a point twenty miles east of Hud-

son river at Courtlandt's Point, to a point in the south line of Massachusetts, also twenty miles east of said river, and then set off again a tract of 61,440 acres east of said line to New York.

What object they had in making such an offer, as if one that could be entertained by us, we could not conjecture. Not wishing to accuse them of trifling with a grave subject, we declined it as beyond the powers of the commission, and as not contemplated or desired by either State.

Here our joint labors apparently came to a close, but after a correspondence between the chairmen of the respective commissions, another meeting was agreed upon, and held at Pittsfield, Massachusetts, on the 25th of November. On assembling at Pittsfield, we again offered, as a compromise, the proposition of Mr. Brown, at North Salem, of which the following is a copy:

"Commence at the monument in the Massachusetts line, and run from thence to the forty-four mile monument; thence to the point designated as the location of a monument on the high bank north of Ten Mile river; thence to the end of the line fence in the traditionary line at the north end of the village of Hitchcock's Corners; thence through the centre of the main street to a point in said centre in front of the store at the south end of said village; thence to a point in the traditionary line on the southerly side of the highway leading southeasterly from said village; thence to the thirty-five mile monument; thence to the thirty mile monument; thence to the twenty-eight mile monument: thence to the twenty mile monument; thence to the eighteen mile monument; thence to the sixteen mile monument; thence to the fourteen mile monument; thence to the eight mile monument; thence to the four mile monument; thence to the Ridgefield angle monument, running straight lines from point to point, and from the Ridgefield angle monument along the traditionary line to the mouth of Byram river."

This was rejected, without discussion, by the Connecticut Commissioners, and the following offered, in writing, on their part:

Resolved, That we will first test the breadth of the oblong at the angle bounds at the Massachusetts line, at the Ridgefield angle, and at the Wilton angle. If it shall be found that the present recognized bounds at said angle do not give to New York the area called for by the agreement of 1725, to be measured with the allowance provided for in such agreement, of twenty-five

rods per mile, then we agree that either of said angle bounds may be carried so far east as to make it sure to conform to said agreement. Then said angle bounds shall be connected in straight lines for the boundary line between the States, with the following exception:

The village of Hitchcock's Corners, having grown up under the impression that the true boundary line ran through its principal street, we agree, at this point, to vary said straight line by beginning at the north end of the said principal street, and in the centre of the same, and run a line southerly through the centre of the said street, and so on in a direct course until it shall intersect the said straight line; and also running northerly from the said starting point, and at the same angle, until it shall intersect the said straight line in the same manner above as below the said angle. It being understood and agreed that said straight line shall be so run as to give to New York an area, besides that given by the said departure at Hitchcock's Corners, of full 61,440 acres, as called for by the agreement of 1725 and survey of 1731, in furtherance thereof, and measured according to the said agreement of 1725.

That as to the remainder of the boundary, straight lines shall be run between the present recognized angle bounds until arriving at the centre of Byram river, in the direction of the great stone at the old wading place, and thence the boundary line shall proceed in the centre of said river to the Sound. And when so run, we will recommend the above lines to our respective States, to be established by them as the boundary between them; and in connection therewith, will also recommend to our respective Legislatures to pass such special acts as shall guarantee to present owners all real estate, rights and titles that may be affected thereby, to the full extent and enjoyment in which they are now legally held.

We rejected this extraordinary proposition on the following grounds, stated in writing:

First—It proposes to establish an entire new line, instead of ascertaining *the* line between the States.

Second—The proposition is not fair on its face, in not offering to reduce the area of the lands received by Connecticut of New York on Long Island Sound, to the number of acres offered New York in the proposition.

Third—It would exceed the powers of the Commissioners, and of the States, to establish such a new line.

As a further reason why a proposal like that presented could only be regarded as wholly inadmissible, and would lead to nothing but prolonged contentions, desired by neither State if our powers would permit us to entertain it, we reminded them that if any of the original surveys were to be revised at this day, and former errors corrected, it would, of necessity, be the duty of the commission to extend such revision to all such surveys; to that of the tract ceded by New York to Connecticut on the Sound, as well as that of Connecticut to New York in the oblong; that if New York should give back what she had received in excess in the original cession, Connecticut should also, in like manner, give back the excess she had received from New York, and a new line be run and established south of the Ridgefield angle as well as north of it; claiming, what plainly and conclusively appears by the surveys of 1684, 1725 and 1731, and the royal ordinances confirming the same, that Connecticut had received from New York, instead of 61,440 acres, an area of about 73,000 acres, thus making an excess in favor of Connecticut of at least 5,000 acres, which she should return.

Notwithstanding that our objections were so plain and conclusive—that the action proposed was so far beyond the powers of the Commissioners that it would only subject them to censure by their States and the people interested—the Connecticut Commissioners firmly refused to modify their terms, or accept of any other. Our conferences with them here ended for the time being.

We felt that we had exhausted every effort to make an arrangement, and offered every compromise that could be devised with a proper regard to the interests of the State, to no purpose.

PROCEEDINGS OF 1860.

In giving the foregoing sketch of the long and singularly protracted controversies with Connecticut, respecting the boundary line of our State, from the earliest period of our history up to the close of the year 1859, our object is to present, in a condensed and connected form, a clear view of the whole subject, that it may be seen that New York, from the outset to the end, has steadily occupied a fair and just position, asking only for her just rights, but strictly respecting those of Connecticut, and yet,

while the matters to be settled were so simple, all efforts at an arrangement have proved abortive. Her representatives would assent to nothing that could be accepted without a sacrifice of the honor or the rights of New York. The obstinacy of the majority of her commissioners cannot be accounted for. These facts prove the necessity of the proceedings which follow, to settle and fix the boundary line by the action of New York alone.

A report of our proceedings up to the close of 1859, hereinbefore alluded to, was made to the Legislature last year, explaining what had been accomplished, the efforts we had made at an amicable arrangement, and the difficulties we had encountered. After a full consideration of the subject, that body passed the following act, which became a law on the third day of April, 1860:

An act to provide for the survey and settlement of the boundary line between the States of New York and Connecticut, and for the expenses thereof.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The commissioners appointed by the Governor to ascertain the boundary line between the States of New York and Connecticut, are hereby empowered and directed to survey and mark, with suitable monuments, the said line between the two States, as fixed by the survey of seventeen hundred and thirty-one.

§ 2. It shall be the duty of said commissioners, before proceeding to the performance of such duties, to give at least one month's notice in writing to the commissioners appointed on the part of the State of Connecticut to ascertain and settle said line, of the time and place, when and where, such survey will be commenced, and inviting them to join in the duties enjoined upon the said commissioners from this State, by the first section of this act.

§ 3. The notice in the last section mentioned, may be served by mail, by enclosing a copy thereof to each of said Connecticut commissioners, directed to him at his place of residence, at least thirty-five days before the time specified therein for the commencement of said survey.

§ 4. In case of the refusal or neglect of said Connecticut commissioners to appear and join in such survey and marking of said line, at the time and place specified in such notice, or such other time as may be mutually agreed upon by the commissioners of the two States, then the commissioners of New York shall pro-

ceed in the performance of their duties as in the first section of this act empowered and directed.

§ 5. The sum of five thousand dollars is hereby appropriated out of any funds in the treasury applicable to such purposes, or so much thereof as may be necessary, to pay the expenses of the said commissioners already incurred, and for their services heretofore rendered, and the expenses they may hereafter incur, and the services they may render in the performance of their duties, at the rates and in the manner specified in chapter forty-seven of the laws of eighteen hundred and fifty-seven.

§ 6. This act shall take effect immediately.

Pursuant to the provisions of sections two and three of said act, on the fourth day of April, immediately after the passage of said act, we addressed to each of the Connecticut commissioners the following notice, with which we also enclosed to each a copy of the foregoing law.

Albany, April 4, 1860.

HON. OLIVER H. PERRY, JOSEPH R. HAWLEY and PHILIP S. BEBEE,
Commissioners, &c.:

Gentlemen—In compliance with an act of the Legislature of the State of New York, a copy of which is herewith enclosed, the undersigned, commissioners on the part of the State of New York to ascertain the boundary line between said State and the State of Connecticut, hereby respectfully give notice, that on the 15th day of May next they will commence a survey of the boundary line between the States of New York and Connecticut, at the monument in the line of the State of Massachusetts, and continue the survey of the same until completed in compliance with the provisions of said act; and when so completed, they will designate the same by the erection of suitable monuments. And you are respectfully invited, and earnestly solicited, to join in such survey and the marking of said line, commencing at the time and place aforesaid.

Yours, &c.

ISAAC PLATT.
L. D. BROWN,
JACOB VROMAN.

To guard, as far as possible, against any ill feeling on the part of our Connecticut friends, with the above notice, the chairman of the New York commission, at the same time addressed to each of them the following conciliatory letter:

ALBANY, *April 4, 1860.*

Dear Sir—Enclosed herewith, I send you an official notice, which you will perceive is authorised and directed by an act just passed by the Legislature of this State, for the purpose of finally settling the boundary line between our States.

As you will see, it authorises us, if no arrangement can now be effected, to go on and do up the work of fixing the boundary of our State alone; but I can assure you that we feel no disposition to proceed in any manner that will not be satisfactory to you, if any arrangement can still be made by which we may unite, and together finish up our work to accommodate all concerned.

We have fixed upon a date, as the law requires, when to begin our work; but, as you will see that we may fix upon any other time that can be mutually agreed upon, will you please let me hear from you on the subject, and whether we can meet again between this and the fifteenth of May, and enter into a fair and just arrangement for the discharge of our remaining duties. Sincerely hoping that all may still be settled in perfect fairness, and in such manner that none will find cause of complaint, I remain, with much respect,

Yours truly,

ISAAC PLATT.

After sending the above notice and letter, the chairman of our commission received answers from the different members of the Connecticut commission, which it is unnecessary to give; but on the 20th of April the following official reply was received from their chairman:

SOUTHPORT, CT., *April 18, 1860.*

ISAAC PLATT, Esq., *Chairman of the N. Y. Boundary Commission:*

Dear Sir—At a meeting of the Connecticut boundary commissioners, held at Hartford, April 17, 1860, the recent act passed by your State Legislature, was submitted to the board, together with your formal notice under the same, that the New York commissioners would proceed to survey and mark the boundary line between the two States, on the 15th of May next, beginning at the Massachusetts line.

After due consultation as to the intent and effect of said act, and of your proposed action thereon, without the co-operation of our State, or her commissioners, it was determined to request that your board would delay such action, at least until the 15th of June next, that in the meantime our report might be made to

our General Assembly, which convenes on the 2d of May next, and they have time to act on the same, and also to consider the act of your Legislature above referred to.

By order of our board, I hereby transmit to the New York commissioners, through you as their chairman, the above request, hoping that you will accede to the same.

Very respectfully, your ob't serv't,

O. H. PERRY,

Chairman of the Conn. Boundary Commission.

After this was received, the chairman of the New York commission called a meeting of our board, which was held on the 4th of May, when the following reply to the proposition to postpone action, was returned to the Connecticut commission:

POUGHKEEPSIE, *May 4, 1860.*

HON. OLIVER H. PERRY, JOSEPH R. HAWLEY, and PHILIP S. BEBEE,
Commissioners, &c.:

The undersigned, commissioners on the part of New York to ascertain and settle the boundary line between the States of Connecticut and New York, hereby give notice, that, at a meeting of said New York commissioners this day held, they have resolved, in consideration of your request of April 18, 1860, to postpone the time of the commencement of the survey and marking of said boundary line, to the sixth day of June next, when such duties will be by them commenced at the place, and prosecuted in the manner specified in the notice heretofore served upon you, and the request of your co-operation, made in said former notice, is hereby respectfully renewed.

ISAAC PLATT,
JACOB VROMAN,
L. D. BROWN.

Accompanying this notice, a friendly letter was addressed by our chairman to the head of the Connecticut commission, renewing former friendly assurances, and again asking for united action in the survey. Replies were received, signifying that the postponement was satisfactory.

We now proceeded with our arrangements, and met at Albany on the 4th of June to complete them, and repair to the field of labor. In the meantime, the chairman received a letter on the 29th of May, from the Hon. Philip S. Bebee, one of the Connecticut commissioners, earnestly requesting him and others of our commission, to come to New Haven on June 5th, for the purpose

of holding another joint consultation, and placing the subject before the joint committee of the Connecticut Legislature, which then had the subject in charge, assuring us that our visit and statements would be received in a friendly spirit. As Mr. Bebee had used every reasonable effort to bring about an arrangement, we considered it advisable to accept the invitation. Messrs. Platt and Brown accordingly proceeded to New Haven, for the purpose of making a final attempt at an arrangement, while Mr. Vroman and our engineer, Mr. Dewey, proceeded to Millerton to organize the surveying party, and make arrangements for proceeding immediately with the survey on the return of the two Commissioners from New Haven.

We arrived at New Haven on the 5th of June, and were courteously received by the Connecticut Commissioners. A joint meeting was held the same evening and a long consultation had, but without any result. Another meeting was held on the following morning, but with like effect, as the majority of the Connecticut Commissioners adhered to their position, as herein before stated, and would abate nothing of it.

After these proceedings were concluded, Mr. Curtis, chairman of the joint legislative committee to whom the subject was referred, courteously invited us to appear before that committee, at 2 P. M. of that day, and give a full explanation of the position of New York, with our views at large.

We attended accordingly, stated the character of the issue, the propositions we had offered, and our reasons for maintaining the positions we had assumed, showing that while we insisted on maintaining the rights of New York, we were determined not to encroach, in any respect, upon those of Connecticut.

Mr. Brown, on the part of New York, stated in substance, that he considered the quantity of territory involved in the dispute, of little moment to either State. The duty of the State to her citizens, however, who had, with their ancestors for several generations, occupied the disputed territory, was of paramount importance. That the territory had been occupied by the States, in accordance with the survey of 1731, was conclusively established, and the residences of inhabitants on either side of said line could not now be changed without doing great violence to all legal and equitable claims of either State. He further and at large explained the views of the New York Commissioners as to the extent of the powers of the commissions of each State, which was to ascertain

and settle *the* line, and not make or establish an entire new line. And inasmuch as some of the Connecticut Commissioners, and some of her Senators and Representatives, took exceptions to the act of our Legislature, a copy of which is herein heretofore given, he fully explained what was the intent and meaning of said act, which was, in substance, that already a large amount of money and valuable time had been expended by commissions in attempting a settlement of the controversy; that Connecticut, by her Commissioners, had constantly insisted upon running a new line of division between the States, cutting off from the State of New York a strip of land about fifty-three miles in length, of the average width of about twenty-eight rods, ejecting from the State of their adoption about three hundred inhabitants, instead of ascertaining, defining and settling the line between the States as fixed in 1731, by both States, and confirmed by royal ordinance, which was clearly the extent of the Commissioners' powers. Therefore, despairing of any adjustment, except such an one as would be humiliating to the State of New York, and making her government justly chargeable with neglect of the rights of her citizens, and of being unmindful of the duty which every government owes towards those living under its jurisdiction, this act was passed for the purpose of ending the controversy, and the service of Commissioners, and of defining and suitably marking the actual line, leaving all future questions, if any should arise concerning the same, which was not probable, to be decided by the courts of law, as a less expensive and more certain way of settling them. He also assured the committee, in presence of the Commissioners, that if the Connecticut Commissioners would join in the survey and marking of the line, we would pass all uncertain points on the line, if any such should be found when making the survey, and run straight lines from one well authenticated point to the next point of the same character, thus running straight lines between certain and well authenticated points the whole length of the line between the States, which would not make any material changes of any kind.

Mr. Platt followed, concurring in the views presented by Mr. Brown, and added, that in his opinion there was nothing in the question that should properly make it one of controversy. It was simply whether two great States should adhere, in good faith, to a contract, made with a full understanding of its character, and

acquiesced in by both for one hundred and twenty-nine years. It was of no real consequence to either whether the old line was exactly straight, or a little crooked; nor did the fact that the line slightly varied from a straight course therefore give to either party the right to repudiate it. It was sufficient that the indenture conveying the lands defined the line to be "*as it runs through the several monuments.*" No man of respectable legal attainments could deny this. An arbitration had been spoken of at times, but how could arbitrators decide intelligently respecting the matter unless the tracts conveyed by each State were first surveyed, and then, at the very outset, would come up this very issue as it now stands—how should the lines be run? One party could insist on following a straight line from Ridgefield to Massachusetts, the other upon tracing the old line, and there would be another dead lock. More Commissioners might be appointed, more correspondence had, more meetings held, more money spent, and what then? Nothing but useless sacrifice on both sides. The old quibble or abstraction would hold as good as ever unless given up.

New York had passed an act to authorize her Commissioners to run and fix this line alone, if those of Connecticut would not unite with them; but this did not take away any of the rights of Connecticut. The object of the law was to bring the matter to an end, as there was no prospect that it would ever terminate in any other way. That law, too, was abundantly called for on account of the people residing along the line, who were kept in controversies and constant anxieties respecting such line. They had suffered too much already, and for their sake, above all other considerations, we should now bring this whole business to a final and definite termination.

Our statements seemed to make a favorable impression, and we left, hoping that as the Connecticut Commissioners had expressed to us their readiness to follow any direction their General Assembly might give, that an arrangement might still be possible. But whether successful or not, we felt that we had discharged our whole duty in our efforts to avoid *ex-parte action*.

After we had left the legislative committee, our Connecticut friends were very prompt to prepare a rejoinder. As we reached the railroad station, we were handed the following paper by Mr. Hawley, one of its signers:

NEW HAVEN, June 6, 1860.

To MESSRS. PLATT, BROWN, and VROMAN, *Commissioners on the part of New York*:

Gentlemen—The subscribers, commissioners on the part of Connecticut to settle the boundary between the two States, beg to submit the three following propositions, in addition to those previously made.

First—Begin at a point in the center and near the north end of the street running through the village of Hitchcock's Corners, and run thence in straight lines to the Ridgefield and Massachusetts angles.

Second—Move the angle bounds at Ridgefield and on the Massachusetts line, five chains and ninety-one links east of their present positions, and connect the same by a straight line running through said point in the center of the north end of the street of Hitchcock's corners.

Third—In case both of said propositions are rejected by the New York commissioners, then let us submit the subject to arbitration, each party choosing a disinterested person, not an inhabitant or citizen of either State, which two shall choose a third of like qualifications. Said arbitrators shall hear the claims of each State, and decide where the line in dispute ought to be run; it being understood and agreed that said board of arbitrators shall take into consideration, not only the legal questions involved, but any and all considerations of equity, public policy, and convenience.

Respectfully yours,

O. H. PERRY,
J. R. HAWLEY.

Such an uncalled for, extraordinary communication as this, naturally surprised us; its capacious spirit displayed its object. It required careful consideration, and we took it in hand for that purpose. Having scanned its purport and objects, on the thirteenth of June we returned the following answer:

The commissioners on the part of New York to ascertain and settle the boundary line between the States of New York and Connecticut, respectfully decline to accede to either of the three propositions offered by two of the commissioners on the part of Connecticut, on the sixth day of June instant, for the following reasons:

First—Either of the first two propositions propose, not to ascertain and settle the line, but to make an entire change of the line

as formerly established by the two States, unnecessarily changing many residences, and violating the rights of citizens and residents of the State of New York, and under her jurisdiction.

Second—The line formerly established between the States, having been ascertained by the joint commission, and there being no reasonable doubt as to its locality, nothing but an accurate survey of the same, and a settlement establishing the boundary between the States, on such line, would be consistent with the duty of either State towards her citizens, and no principles of State policy or expediency, demand a change.

Third—The New York commissioners have no power to change the line between the States, after having ascertained the same to their satisfaction.

Fourth—All the grounds and objections to the straight line, specified in the report of the New York commissioners to their Legislature, dated Jan. 18, 1860, apply to these propositions.

Also, they decline to arbitrate the matter for the reasons:

First—That in order to place the whole facts necessary to either a legal or an equitable settlement of the whole case, before arbitrators, it would be necessary to review the whole of the old survey, ascertaining, to a certainty, the number of acres each State received from the other, by the original cession of each State, instead of taking as a basis the guess-work of the Connecticut commissioners, and their assertions as to the number of acres received by Connecticut from New York, with calculations made upon a false basis, in violation of the facts and the records of the old commissioners.

Second—The New York commissioners have no power to arbitrate.

Third—The decision of arbitrators, if the same should change the established line, would not bind the States.

Finally, all objections to the old established line, being that it is not perfectly straight, are merely frivolous, are of no real force, and are not entitled to our further consideration.

ISAAC PLATT,
JACOB VROMAN,
L. D. BROWN.

Dated June 13th, 1860.

We may add to the reasons given in the above reply, that while the removal of the ancient angle bounds at Massachusetts and Ridgefield, would have little effect but to make confusion and trouble among the people above the Ridgefield angle, it would

have a still worse effect below it. It would derange the entire line between that and the Wilton angle, which passes through a good and well settled section of country, which derangement of the line would be wholly to the prejudice of Connecticut, and change some ten or twelve residences, with the lands adjacent, into New York, while all are now content and desire no change. We would not sanction such injustice to Connecticut, although her own representatives proposed it.

With the communication of June 13th, terminated our correspondence with the commissioners of Connecticut. Were it all published, it would extend this report beyond reasonable dimensions. All essential to a fair understanding of our proceedings, as we believe, is given.

On the 7th of June we met again at Millerton. Our surveying party was organized with Hiram S. Dewey, chief engineer, John Evans, assistant, and a full complement of flag men, chain men, and axe men, and our preliminary arrangements completed. On the 8th of June the survey was commenced at the Massachusetts line monument, all the New York commissioners and the party being present; no one appearing on behalf of Connecticut. We felt our duty to be a delicate if not a difficult one, to settle a disputed line by *ex parte* action, and, therefore, resolved to practice the most rigid circumspection; to give no cause of complaint, and to follow the true line with strict impartiality.

The monument in Massachusetts line, or corner monument, we found to be a heap of stones piled up among large loose stones, or ledges, between two high ridges of the Taghkanic mountains, always recognized as the northeast corner of the equivalent tract, or oblong, ceded to New York in 1731, and as the northwest corner of Connecticut. On this point we believe there has never been any dispute. In the indenture executed by the Commissioners of 1731, conveying the oblong to New York, its position is thus described:

The monument at the northeast corner of the additional lands, in the Massachusetts line aforesaid, stands in a valley in the Taghkanic mountains, being one hundred and twenty-one rods eastward from the top or ridge of the most westerly of said mountains, there being a great stone, with some others set upon it, on the top of said westernmost mountain, where the said Massachusetts line crosses it.

The great stone here described, which human power could not remove without first breaking, occupies its original position,

and therefore we tested its distance from the monument aforesaid, and found it to differ from that given in the old survey but one foot.

We had previously tested the distance of this monument from the northwest corner of the oblong, by measurement on the north line, and found the distance to be nineteen rods short of that required to give New York her requisite width of land. But as the description corresponded with that of the original monument, and there was no room to doubt its identity, we adopted it as a fixed point, which we had no right to change.

From this monument the course to the forty-seven mile monument point was found to be south, eleven degrees twenty minutes west; distance four hundred and sixty-four chains sixty-nine links. This monument is thus described in the original survey:

The monument corresponding to the monument at 47 miles distance, is a stake and heap of stones, in a low piece of ground, lying southwesterly of Taconick mountains, and northwesterly from a meadow, and is near the wagon path from Woatang to Taconick.

The original monument was gone; it is, however, a well recognized traditionary point. The locality of this point was also pointed out by Mr. William Kelsey, who had resided in that vicinity fifty years, whose farm is bounded westerly by the State line, and corners on this monument point. His informant as to the monument point was a Mr. Bird, who was the owner of the land on both sides of the line at the time the survey was made in 1731. He resided in the State of Connecticut, near the monument, and shortly after the survey sold his land in New York, fixed the dividing fences as they now stand, and retained his land in Connecticut many years after. Mr. Kelsey also pointed out the location of the old road leading from Woatang to Taghkanic. This evidence we considered conclusive.

Our course from this point to the forty-four mile monument, was twelve degrees thirty-four minutes west, two hundred and thirty-nine chains and fifty-seven links. This monument is described in the original survey as follows:

The monument corresponding to the monument at forty four miles distance, is a stake and heap of stones, standing at the foot of a hill, and twelve rods from the east side of a large pond.

This monument was found, and on testing its location by measurement from Indian pond, we had no difficulty in fixing its position,

in consequence of the peculiar formation of the land, as the hill recedes on both sides of the monument from the pond. It is also the established corner of the towns of Salisbury and Sharon, in Litchfield county, Connecticut. We consulted the inhabitants in the neighborhood, among them Mr. Douglas Clark, who had been a resident there for sixty-five years, and who had always known that as the line monument.

We found the course from this forty-four mile monument to the forty-two mile monument point, to be south eleven degrees and thirty-three minutes west, one hundred and sixty chains and ninety-nine links; which is thus originally described:

The monument corresponding to the monument at forty-two miles distance, is a stake and a heap of stones, on the brow of a steep bank, on the north side of Ten Mile river where it runs easterly, and is likewise twenty-one rods on the perpendicular line east from the east side of said river.

This point is so accurately described in the old survey, that its true position could not be mistaken. The course of the river at the place where the perpendicular line crosses it is nearly due south, then it makes a bend and runs nearly due east at the foot of the steep bank spoken of. The top of the bank is a steep ledge of rocks which terminates abruptly, the ground beyond it being nearly level. The distance measured on a perpendicular line from the east side of the river was found to correspond with that originally made.

The course from this point to the forty mile monument point, was south thirteen degrees and sixteen minutes west, one hundred and sixty-one chains and twenty-four links. The following is the description of the last mentioned point, in the original survey:

The monument corresponding to the monument at forty miles distance, is a stake and a heap of stones at the west side of a swamp, and forty rods on the perpendicular line easterly from the Ten Mile river.

This monument was not in existence, but near the requisite distance from the last mentioned point we selected a point on the river, where the east bank had evidently never changed, and measured, on a perpendicular line easterly, the distance specified in the old description, and there located the point. The location selected was also pointed out by tradition, and although it took some time to make the necessary inquiries and investigations for its establishment, we were finally fully convinced of its correctness.

From this point to the thirty-five mile monument we ran a straight course, which was south twelve degrees and twenty-one minutes west, three hundred and ninety-eight chains and twenty-one links.

The thirty-seven mile monument is thus described:

The monument corresponding to the monument at thirty-seven miles distance as aforesaid, is a stake and heap of stones, on the north side of a ridge, and is sixty links north thirty-one degrees west from a rock lying there in the ground.

This monument had been removed, but the locality of the rock referred to was pointed out to us by Mr. George Winegar, who had blasted and removed the same. The position of the rock being ascertained, that of the monument was readily determined by measurement from it. We made no angle at this point, none being necessary, the line all the way corresponding to the traditional line. In this distance, a little north of the thirty-seven mile point, we passed through the village of Hitchcock's Corners, where the people are more sensitive on the subject of the line than at any other place in its entire length. We found our direct course to pass with such precision through the several points in the village designated as the original line, that we scarcely varied from said line one foot.

The thirty-five mile monument is described in the original survey as follows:

The monument corresponding to the monument at thirty-five miles distance as aforesaid, is a heap of stones on the top of a rock on the west side of a hill.

This monument was found corresponding so exactly with the original description, that there was no possible room for doubt of its identity. It has never been disputed, is well known to the inhabitants in the neighborhood, and is also the established corner of the towns of Sharon and Kent, in the State of Connecticut.

The course from this monument to the thirty-three mile monument is south twelve degrees thirty-two minutes west, one hundred and fifty-eight chains and ninety-six links.

The thirty-three mile monument is thus described:

The monument corresponding to the monument at thirty-three miles distance, is a heap of stones on the top of a hollow rock on the west side of a hill.

We found this monument agreeing perfectly with the original description, it being a heap of stones on the top of a hollow rock

of very peculiar shape, about five feet square, and hollowed out like a spoon. It was in a wild, unfrequented spot, and the heap of stones had an ancient appearance. It was so nearly in line with the forty, thirty-seven, and thirty-five mile monuments, that an angle at the latter monument of only eleven minutes, it was found would strike it, and the distance from the thirty-five mile monument to this, varied only one chain and one link from the proper distance. To obtain further evidence of the certain identity of this monument, we consulted Mr. Ritton, who stated that he had been familiar with all the localities in that neighborhood some sixty years, and who had always known this as the true line monument, the same having been pointed out to him as such, by men who had known it ever since the original survey. We also consulted a Mr. Nye and Mr. Thomas Swift, very aged residents of the neighborhood, who gave us similar information.

Another heap of stones, not on a hollow rock, had been regarded as the thirty-three mile monument by some of the inhabitants in the neighborhood. It was so pointed out to us when exploring the line in company with the Connecticut commissioners in September, 1859. This stone heap was found to be two thousand, three hundred feet too far south for the proper location of the line monument, seven hundred and fifty feet west of our present line, and nine hundred and sixty feet west of a straight line from the thirty-five to the thirty mile monument. Also, this heap of stones does not correspond with the description of the monument in question as to locality, being on the south west brow of a high hill, the land north easterly from it being very nearly level for a considerable distance.

From the thirty-three to the thirty mile monument, the course is south eleven degrees forty-four minutes west, distance two hundred and forty-three chains and thirty-seven links.

The thirty mile monument is thus described in the original survey:

The monument corresponding to the monument at thirty miles distance aforesaid, is a stake and heap of stones at the south end of a high hill.

It was readily identified by its location, was well preserved, and from what we could learn, had, from time immemorial, been recognised as one of the original monuments erected to mark the line between the States.

From this to the twenty-eight mile monument, the course was

south twelve degrees and twenty-seven minutes west, one hundred and sixty-one chains and thirty-two links—which last mentioned monument has the following description in said old survey:

The monument corresponding to the monument at twenty-eight miles distance as aforesaid, is a heap of stones on the east brow of a high hill, at which place we saw New Milford town, Ousatonick river running at the foot of said hill.

This, like the thirty mile monument, is well known and undisputed, its location fully corresponds with the above description, and it is the established corner of the Housatonic Indian reservation in Connecticut.

The course from the twenty-eight to the twenty-six mile monument is south ten degrees fifty-six minutes west, one hundred and sixty chains—of which twenty-six mile monument the following is the original description:

The monument corresponding to the monument at twenty-six miles distance, is a stake and heap of stones on the west side of an high hill, and is thirty-five chains and forty-five links on the perpendicular line from the east side of the Ten Mile river.

No monument was found here, but aged residents in the vicinity pointed out a spot which they asserted it once occupied. We tested this position by a measurement on the perpendicular from the east side of Ten Mile river, referred to in the above description, and the distance agreeing with the original measurement, we readily adopted this point.

From the twenty-six mile monument point to the twenty-two mile monument, the course was south eleven degrees thirty-nine minutes west, distance three hundred and twenty chains and eleven links.

The twenty-four mile monument could not be found, as the description was very indefinite, and we could apply no test to locate it. There being no dispute as to the line in that section, we continued the same course to the twenty-two mile monument, which is thus described in the original survey:

The monument corresponding to the monument at twenty-two miles distance, is a stake and heap of stones on the east side of New Fairfield hills.

This monument was readily found and identified, in its proper place as to distance, differing only eleven links from four miles, from the twenty-six mile monument.

Our course from the twenty-two to the twenty mile monument,

was south twelve degrees and eighteen minutes west one hundred and sixty-three chains and seventeen links.

This monument is described as follows:

The monument corresponding to the monument at twenty miles distance as aforesaid, is a stake and heap of stones, in a wet piece of ground in the west side of a steep, rocky hill.

This monument was pointed out to us by Mr. Henry Briggs, of Connecticut, who is the owner of the land where the same was placed. It was also pointed out by other old residents of the vicinity, as one of the original line monuments. Its position corresponded accurately with the above description, and left no room for doubt as to its genuineness.

From thence to the eighteen mile monument our course was south eleven degrees and forty-nine minutes west, distance one hundred and fifty-nine chains and nine links; the original description of which is as follows:

The monument corresponding to the monument at eighteen miles distance as aforesaid, is a stake and heap of stones, on a ledge of rocks, on the west side of a hill.

This monument was found, agreeing strictly with the original description..

From it to the sixteen mile monument the course was south twelve degrees nineteen minutes west, one hundred and fifty-seven chains and fifteen links.

This monument is thus described:

The monument corresponding to the monument at sixteen miles distance, is a stake and heap of stones, on a high hill, there being two small ponds to the southeastward of the monument, the nearest to which is about five rods to the monument.

We found this monument on what is now called Cranberry mountain, northwest from two small ponds, and five rods from the nearest one, and in all respects agreeing with the foregoing description.

From the sixteen to the fourteen mile monument our course was south ten degrees and eleven minutes west, distance one hundred and sixty-one chains and seven links.

The following is the description of this monument, given in said original survey:

The monument corresponding to the monument at fourteen miles distance, is a stake and heap of stones standing on the northwest side of a hill.

After a careful search this monument was found, on the north-west side of a hill, a soft maple tree having grown up through it and crowded off some of the upper stones, but leaving the foundation in such a position as to do away with all doubts as to its identity.

Our course from the fourteen to the ten mile monument point was south ten degrees and fifty-one minutes west three hundred and thirteen chains and forty-one links; of which last mentioned monument the following is the original description:

The monument corresponding to the monument at ten miles distance as aforesaid, is a stake with a heap of stones round it, in a springy ground, on the west side of a high hill.

This monument was not found, but its position was pointed out by Mr. Seneca Salmons, the owner of the land on both sides of the line, and who had removed the stones of which it was composed from his meadow, the hole the stones had made by settling into the soft ground remaining undisturbed. The point indicated fully answers to the above description as to position, and it is in the traditionary line as indicated by the usual evidences of it, both at the north and at the south of said point. Hence we adopted it.

The twelve mile monument could not be found, neither could we obtain any satisfactory evidence of its original location; we therefore passed it, running direct from the fourteen to the ten mile point.

From this ten mile point to the eight mile monument our course was south twelve degrees and twenty-four minutes west, distance one hundred and fifty-five chains and seventy-one links.

The surveyors of 1731 described the eight mile monument as follows:

The monument corresponding to the monument at eight miles distance as aforesaid, is a stake with a heap of stones round it, in a hollow upon a high rocky hill.

We found this monument readily, in a hollow upon a high rocky hill, as above described, and in such a position as to leave no doubt of its identity. It was also well known to all the inhabitants in the vicinity, and conceded to be a monument placed there to mark the line between the States, and preserved for that purpose.

The course from this to the six mile monument was south ten degrees and nineteen minutes west, distance one hundred and fifty-nine chains and twenty-eight links.

The six mile monument is thus described:

The monument corresponding to the monument at six miles distance as aforesaid, is a stake with a heap of stones round it, near the north end of a swamp, and by a footpath leading to Danbury.

The remains of this monument were found near the north end of a swamp, in a meadow. Its location corresponds with the description. A strip of dry ground which passes through the swamp, or apparently between two large swamps, near this point, gives evidence of the ancient path to Danbury.

From this point to the four mile monument the course was south twelve degrees ten minutes west, distance one hundred and sixty-four chains and forty-two links.

The following is the ancient description of the four mile monument:

The monument corresponding to the monument at four miles distance as aforesaid, is a stake with a heap of stones round it, about twenty rods and a half to the eastward of Mopo brook.

This monument in all respects answers the above description. It is placed in a low piece of ground which has never been cultivated, and twenty and one-half rods east of said Mopo brook; the brook at that point running along the east side of a high ridge of land where evidently its bed could not have materially changed in centuries.

Our course from the four to the two mile monument, was south eleven degrees and forty-four minutes west, and the distance one hundred and fifty-eight chains and ninety-nine links.

Description of said two mile monument, in the old survey, as follows:

Corresponding to the monument fixed or set up at two miles distance, we heaped up some stones for a monument, on the west side of a rocky hill, near to a chestnut oak tree, marked with three notches on the north and south side.

This a well known and established point, the monument fully answering its description, and readily found.

From this monument to the Ridgefield angle our course was south fourteen degrees and ten minutes west; distance one hundred and nine chains and forty-one links.

The angle monument is described as follows in the indenture of 1731:

The monument where the two easternmost parallel lines intersect and terminate in each other, stands on the north side of a hill, and is southeasterly from the easternmost end of the long pond.

This monument is known quite extensively, is universally conceded to be the true one, and has never been disputed.

Here commenced the line from the Ridgefield to the Wilton angle, the intermediate monuments being numbered from the Wilton angle north. Our course from this point to the four mile monument in said line, was south twenty-five degrees eight minutes east, distance two hundred and thirteen chains and thirty-nine links.

We passed the six mile point, because of our inability to find the monument, the original description being very vague and indefinite.

This four mile monument is thus described in the survey of 1731:

Corresponding to the monument fixed up at the distance of four miles as aforesaid, we set up a stake, heaped some stones around it for a monument, being in a swamp, and on the northwest side of a brook which runs into the pond of a saw mill.

This monument was easily found, fully answering its description as to locality. The stones of which it was composed were very deeply imbedded in the soft mucky earth, and a stone post had been set up in it, which, according to tradition, was placed there by a Mr. Keeler soon after the survey of 1731, he being the owner of the land on both sides of the line at that time, and for a long time subsequent.

From this to the two mile monument, the course was south twenty-four degrees and forty-eight minutes east one hundred and fifty-seven chains and sixty-three links.

The ancient description of the last mentioned monument is as follows:

Corresponding to the monument fixed up at two miles distance, we heaped up some stones for a monument on the west brow of a stony ridge of land on the top of a rock sticking out of the ground.

This monument was found in its proper place as to distance, and in every respect corresponding with the foregoing description.

The course from this monument to the Wilton angle was south twenty-four degrees fourteen minutes east, distance one hundred and sixty-seven chains and twenty-eight links.

The Wilton angle monument is described in the original survey as the monument at the southeast corner of the additional lands, the following being a copy of such description:

The monument at the south east corner of the additional lands

being east-northeast from the monument erected in the year one thousand seven hundred and twenty-five, at five hundred and eighty-one rods distance, stands on the west side of a stony ridge, about six rods east from the south end of a swamp, and is two hundred and sixty-three rods distant on an east-northeast course from the west branch of Norwalk river.

We found this monument answering the description, tested its location by measurement from the points mentioned in the above description, and found the distances correct.

Our course from the Wilton angle monument, at the end of the line running parallel to the Sound, along the south line of the oblong, to the southwest corner of the same, being at the end of the line of thirteen miles and sixty-four rods from the Duke's trees, was south sixty-seven degrees and forty-five minutes west one hundred and thirty-eight chains and seventy-six links.

At the southwest corner of the oblong no monument could be found, and tradition is the only evidence upon which the point could be established, as the surrounding locality is not described in the old survey. It is a point, however, not disputed, and respecting which there is no diversity of opinion among the inhabitants in the vicinity. It was agreed upon by the joint commission of 1856.

From this southwest corner of the oblong to the Duke's trees, it was more difficult to find the intermediate monuments erected along the line, than from Massachusetts line to the Ridgefield angle, and thence to the Wilton angle, in consequence of there being no description of them or their localities.

The line between these two points is thus described in the survey of 1725:

We have likewise run a line from the said three white oak trees east-northeast thirteen miles and sixty-four rods, at the end of which we raised a heap of stones, and marked a black oak tree about half a rod to the westward of the said heap of stones, with the following figures and letters, viz: 13 M., 64 R.,—and cut a broad notch into several trees round the said heap of stones, on the sides of the trees towards the said heap of stones. We likewise raised a heap of stones at the end of every mile from the said three white oak trees, excepting the first mile, which ending in a watery swamp or pond, we raised a heap of stones on the west side of said swamp at two hundred and eighty rods from the trees, and another heap on the east side, at three hundred and sixty rods from the trees, and we marked the trees standing in said line with three notches on their west and east sides, which line, running east-northeast thirteen miles and sixty-four rods, and

marked and distinguished as aforesaid, we have and do hereby establish and fix as the line of partition so far between the province of New York and colony of Connecticut.

This line, it will be seen, is so imperfectly described, that, to trace the monuments by reference to the old survey, as in the other lines, was beyond our power. Our measurements pointed out the places where monuments should be sought, and beyond this we were guided by traditionary evidence. But to this we may add, that no part of this line has been in dispute at any time, and the traditionary evidence of its position is not conflicting, but admitted by the inhabitants on both sides.

The point selected as that of the twelve mile monument, is where the remains of a monument are found. It was pointed out to us by a Mr. Davis, of Connecticut, whose father, now deceased, had been the owner of the land for many years. Its position is in the traditionary line, and it lacked only fifty-two links of the proper distance from the Duke's trees.

At the point selected for the nine mile monument there is a heap of stones, the location of which varies only six rods from the proper distance of nine miles from the Duke's trees. This, also, is in the traditionary line, and being at the proper point for a monument, and where it was necessary to make a slight angle, (only eleven minutes,) in order to follow the traditionary line, we adopted it as a monument point of the original survey.

At a point in the traditionary line, within six rods of five miles from the Duke's trees, we found a heap of stones occupying the position of the monument at five miles. Being thus situated, and the line as at the other points, undisputed, we adopted it as a monument, or monument point of the original survey, this enabling us to follow accurately the original line, in conformity with the rule we had adopted from the beginning.

These points were adopted by a majority of the commissioners, Mr. Brown dissenting.

Commencing on this line at the southwest corner of the oblong, our course was south sixty-five degrees and forty four minutes west, ninety chains and eighty-seven links to the twelve mile monument above described and adopted; thence south sixty-six degrees and fifty-six minutes west two hundred and forty-one chains and ninety-three links to the nine mile monument, above specified; thence south sixty-six degrees and forty-five minutes west three hundred and nineteen chains and twelve links to the

five mile monument, last above described; thence south sixty-six degrees and twenty-five minutes west three hundred and ninety-eight chains and forty links to the stone marked G. R. at the Duke's trees.

This stone is in the public highway leading from King street to Bedford, near the residence of Mr. Langdon. It is at the end of the line running parallel to the Sound, and is a point that has never been disputed, in the midst of a thickly settled and richly cultivated country, from the time of the survey of 1725.

Between this point and the great stone or rock at the wading place, the surveyors and commissioners of 1725 had marked the line by them established, by the erection of monuments described as follows:

At two miles from said rock, upon the east side of the said highway, close by the fence and near William Anderson's house, we raised a heap of stones.

At three miles from the great stone we laid a heap of stones in the field belonging to William Fowler on the west side of said highway.

At four miles we raised a heap of stones close by the fence, on the west side of said highway. All the houses on the west side of the said highway from the said heap of stones, at four miles from the rock to the place below John Purdy's where the line comes into the highway, being and remaining in the province of New York, and those on the east side of said highway being in the colony of Connecticut.

At five miles from said great stone we raised a heap of stones in John Clapp's field, which heap of stones are thirty-two rods on a west-southwest line from the westernmost chimney of the said Clapp's house.

At six miles we marked a large stone in the ground with a X, and raised a heap of stones round it.

At six miles and a half we raised a heap of stones near the north side of a meadow, near John Hutchinson his house.

At the time of the old survey and erection of these monuments, the country, along the whole length of this line, was, evidently, quite thickly settled, therefore these rude monuments very soon disappeared; and, of course, at the time of our survey, none of them were in existence, and but two of the points where such monuments were erected could be located with any degree of certainty.

At the fifth mile on said line, notwithstanding the monument itself was not in existence, the foundation of the chimney of John Clapp's house remained undisturbed. Finding that of this fact

there could be no doubt, we measured from said chimney on a west-southwest line, and at the end of thirty-two rods established a point in our line. This point is in the traditionary line, and by running through it the line is varied very slightly from where the people have always located it.

The stone foundation of William Anderson's house, referred to in the description of the two mile monument, still remains, and was pointed out by old residents of the neighborhood. The distance of the line westerly from this house is not stated, but the point or place the traditionary line occupied was pointed out, and this enabled us to fix a monument point at said Anderson's house so accurately that an angle of but two minutes was required in order to follow the traditionary line to the great stone at the wading place on Byram river.

Starting from the stone marked G. R., located in the highway at the Duke's trees, our course was south twenty-three degrees and thirty-eight minutes east one hundred and seventy-two chains and ninety-three links, to the five mile monument point, west-southwest thirty-two rods from the west chimney of the John Clapp house; thence south twenty-four degrees twenty-one minutes east two hundred and twenty-four chains and seventy-eight links, to the monument point in the highway near and west of the William Anderson house; thence south twenty-four degrees and nineteen minutes east one hundred and seventy-three chains and seven links, to a bolt in the great stone at the wading place on Byram river.

The great stone at the wading place, is a large rock on the east bank of Byram river, with a bolt fixed in it, and there was no room for any question respecting it. It has always been known as a point in the State line.

From this we ran to a rock in the channel of the river, which is out of water at low tide, on a course south seventeen degrees and forty-five minutes west, twelve chains and sixty links. In this rock there is a bolt. Thence, following the channel of the river, south twenty-seven degrees west, fifty-five chains and nineteen links; thence south seven degrees and twenty minutes east thirteen chains and forty-five links; thence south twelve degrees and ten minutes east sixteen chains and thirteen links; thence south two degrees and forty minutes east nine chains and four links; thence south twenty-eight degrees and twenty-five minutes east nine chains and fifty-four links; thence south eighteen degrees and

forty minutes east four chains and seventy-seven links; thence south eleven degrees and fifty-five minutes west six chains and thirty-three links; thence south fifty-eight degrees and ten minutes west to where it falls into the Sound.

The survey being completed, and the marks fixed, the work of placing monuments on the line commenced on the second day of October last. The engineer, aided by at least one Commissioner, superintended the setting of each, to see that the business was done properly.

This was found a difficult business, as the monuments, most of them, weighed from five to seven hundred pounds each; their transportation to proper points on the line was very expensive, and many of the points where they were to be placed were away from the roads—sometimes almost inaccessible, some quite so with teams. To have them left at proper points, too, it was necessary to have one of our assistants acquainted with the line, to superintend their distribution.

We believe we are warranted in saying that when our work was finished, it was entirely satisfactory to the people interested on both sides of the line, and that strict justice was done to both States.

In reference to the line from Massachusetts to the Sound, described in this report, it is perhaps well, for the purpose of giving a better understanding of the whole matter, to present a few interesting facts connected with it as found, and as we left it when our duties were completed.

The line passes through a section of country nearly three-fourths of which, as the line traverses it, consists of rugged hills and mountains, woods and swamps. The hills and mountains were frequently, and often for long distances, covered with thickets of scrub oaks and laurels, and where not thus covered, with a vigorous growth of young chestnut, oak, walnut and other woods. The proportion of old forests was small, and where found were seldom free of underbrush. There was also among these an almost continuous succession of rugged elevations and deep ravines. The swamps, which were numerous, and often large, were like the mountains, covered with thickets of underbrush of every kind, often well sprinkled with poison sumac, through which we were obliged to pass. Our progress was necessarily slow, and only as the axe men cleared our way.

Even in what we considered the best portions of the line, from the

Ridgefield to the Wilton angle, there is little improvement, except that there are no high elevations to overcome; and from the Wilton angle to the Duke's trees, there is an almost continuous succession of lofty ridges and deep valleys, a large portion covered with wood, and the surface very rough. On King street alone we had good running, but even that was slow, owing to the numerous orchards and groves through which we were obliged to pass.

The monuments spoken of as having been found at the end of one hundred and twenty-nine years from the date of their erection by the commissioners of 1731, were all on lands that had never been cultivated, and with but four exceptions in meadows, in unfrequented mountains, or old woods, where no improvements of the soil had been made. Beyond cutting off the wood to sell in the neighboring markets, or to burn into coal, there had been no material changes. As to those we speak of located in meadows, they were situated in grounds that had never been ploughed. This explains the reasons why they had been preserved so long. When they were removed, their location with but two exceptions, was in cultivated grounds.

As the law under the authority of which we acted, required us to follow strictly the original line, much more time was required at several points than would have been necessary had Connecticut been represented, as then an agreement upon a point would have been sufficient in each case. But acting alone, and constantly under the eye of close observers on both sides, we resolved to assume nothing, but to gather evidence that could leave no reasonable doubt of the correctness of our decisions in each case. To guard the more effectually against mistakes, or unwarranted assumptions, it was arranged that a majority of the commissioners should be constantly on hand. If our labors were protracted in some instances, it was, that they might be so concluded that no controversy could follow them.

It will be observed that we occupy an unusual space in speaking of the monument at thirty-three miles; this is because the traditionary evidence there first obtained, was found in direct conflict with that of the old survey. The new residents of the place had become accustomed to regard an old stone heap where they supposed a monument ought to be, as the monument, and therefore, the line as passing through it. But the application of our instruments, and the test of measurements, proved at once beyond doubt, that it never could have been a line monument. Notwithstanding

this, we did not adopt the monument for this point, to us newly discovered, until we had collected traditionary evidence that was sufficient, and had applied to it the tests of course and distance that were sufficient to satisfy all reasonable men.

In consequence of the discovery of the original thirty-three mile monument, in running from that to the thirty mile monument, we changed one residence, that had been considered in Connecticut, into New York, and this is the only change made from Connecticut to New York in the entire line.

It is proper, also, to add here, that the error above spoken of, the substitution of a spurious stone heap for the thirty-three mile monument, has been the source of much comment, and no small amount of difference respecting the line from the Ridgefield angle to Massachusetts. The fact that said old stone heap was nine hundred and thirty-six feet west of a straight line from the thirty-five to the thirty mile monument, and about seven rods west of a straight line running from Massachusetts line monument to Ridgefield angle monument, while all the other intermediate monuments were east of such line, constituted generally the principal capital of the Connecticut commissioners in their objections to following the original line. We removed the crook which they could not endure, and humbly trust that intelligence of the fact will afford them, and the authorities of that patriotic State, substantial relief.

In our explorations over the line with the Connecticut Commissioners, in September, 1859, a stone standing up in a wall was shown as the twelve mile monument point. When we had reached the fourteen mile monument in our survey, we struck for this stone, supposing it to occupy a monument point, and found it one thousand three hundred and forty-two feet short of the proper distance, and one hundred and sixty-one feet east of a straight line from the fourteen to the ten mile monument point. Although it had been considered for a time, we presume, in the traditionary line, the evidence of its spurious character was so conclusive, after a full examination, that we rejected it. No reliable traces of the original monument being found, we ran a straight course from the fourteen to the ten mile point, thus passing one hundred and sixty-one feet west of this stone, placed the line so far to the west of what had been considered its position, and removed another crook that in passed negotiations had assumed the importance of a stumbling block. Here we changed a house formerly considered partly in each State into Connecticut.

Nothing worthy of special note was observed from the above point until we reached the monument two miles from the Wilton angle. Here we found that a third spurious stone heap had been taken for a monument, and had led a few residents to suppose they were in New York while really in Connecticut. We had not previously explored this part of the line, but on examining and applying the usual tests, we found the character of this stone heap, that it in no respects answered the original description. It was at least fifty rods too far south, in swampy ground. The true monument was found on the west side of a stony ridge, answering perfectly the original description, and at the proper distance. This enabled us to fix the line accurately from this monument to the Wilton angle. In so doing we changed three residences, supposed to be in New York, into Connecticut.

We ever have believed that could the Connecticut Commissioners have been induced to unite with us in a survey of the line, as we progressed with the same, their objections would disappear; and we are now confirmed in this opinion, from the fact that their main objections to following the old line, were because of these greatest irregularities in it, and of their understanding of the old survey; they insisting that the measurements of the old Commissioners and surveyors were surface measurements, without leveling the chain, and claiming that all our measurements should be made in the same manner; while we as strongly insisted that such measurements were horizontal measurements, performed in the best manner the same could be, upon the surface of the ground. The irregularities above named, it will be seen by reference to our survey, were wholly removed, and the length of the several lines, according to our measurements, performed in the best manner the same could be done by levelling the chain, proves conclusively that they were wrong in their calculations, the distance from Massachusetts line to Ridgefield angle, according to our measurement, varying only about five rods from the distance given by the old surveyors.

It should be observed in reference to the monuments spoken of in the old surveys as corresponding to other monuments, that in the said surveys there is a description first given of the monuments as erected in the *west line* of the oblong, and *first line* between the States; that in setting off the Equivalent Tract, the surveyors followed said west line, and from each of the monuments on it ran perpendiculars by the compass, one mile, three-quarters of a

mile, and twenty rods in length, and at the end of such perpendiculars erected the corresponding monuments, described to designate the east line of said Equivalent Tract, and the line by them established between the States. Thus, all those above the Wilton angle, in the line we traced, were monuments or points corresponding to those opposite; numbering first from the Wilton angle to the Ridgefield angle, and then from the latter angle to the Massachusetts line. This also explains why the east line is not perfectly straight; the measurements of the perpendiculars over the uneven and wild country of 1731 could not be accurately made, and hence were of slightly unequal lengths. As the country is full of minerals, too, variations of the compass must have been frequent, so that said perpendiculars, in many instances, were not parallel to each other, which accounts also for the fact that the monuments in the line established were not placed in all instances at the intended distances apart.

These facts also explain another of material importance. The commissioners of 1731, were doubtless aware that their work could not be done up with that perfect accuracy and precision that would render future cavil impossible, and, therefore, in order to guard effectually against leaving grounds for controversy, were careful to describe every monument they had erected, and then to define the line, and enter into an agreement establishing it, as it ran through the several monuments by them described.

Our report is of unusual length, but is necessarily so because we have considered it essential, under the peculiarities of our position in arranging the matter in dispute between two States, to set forth and maintain the following positions:

First—That the original exchange of lands was proposed by Connecticut.

Second—That all the difficulties respecting it originated on her part, as well as the delays that were most unreasonably and unnecessarily prolonged.

Third—That the proposal to run and mark the line anew, as it had become obscure and in dispute, was made by Connecticut in 1855.

Fourth—That since its acceptance by New York in 1856, the commissioners of Connecticut have constantly thrown obstacles in the way of a fair adjustment, by repudiating the original line, and their own proposition, and insisting upon running a new line.

Fifth—That three-fourths of all the expense, except that of the survey only, has arisen from this cause alone.

Sixth—That our final efforts to induce the Connecticut commissioners to unite with us in the survey, were met by a proposition that would have complicated the controversy more than ever.

Seventh—That we have finished our work in such manner that the rights of both parties have been rigidly respected, and there now remains nothing that can form a legitimate subject of dispute.

One more topic only needs attention. Since our labors were completed, with which no dissatisfaction has been expressed by any of those interested, the Governor of Connecticut has made propositions to the Governor of this State, the same as though things remained as they were in 1855.

He makes the three propositions which were made to us by the Connecticut commissioners in June last, at New Haven, a copy of which, with our written rejection, giving our reasons for such rejection, are embodied in this report.

Why these propositions are renewed at this time by the Executive of Connecticut, after full action had upon them by the commissioners, we cannot conceive. Any action upon them now could certainly amount to nothing further than the making of additional expense, the whole question being settled, or at least in a position to be tested by judicial tribunals, if conflicting questions of jurisdiction arise between the States.

We submit these additional facts as a final illustration of this extraordinary controversy.

We have appended hereto, for future reference, a description of the line, and each of the points thereon, where monuments or bolts have been placed by us, to designate the same.

We have had prepared, by our engineer and assistant, a map, together with a diagram of the line to accompany this report.

The expenses of the commissioners, that have accrued in prosecuting their labors, since our last report, are as follows:

Expenses of the survey, including pay of engineer and assistant, flagmen, chainmen, axemen, transportation, use of team, tools &c.	\$2,434 34
Cost of monuments, transportation of same to the proper points, including engineering expenses, and hire of laborers setting them.	830 05
Other expenses of a general nature, including pay of engineer for making maps and reports, &c.	281 69

Services of commissioners, and their traveling expenses during the survey, setting of monuments, and making report.

5,245 05

\$8,791 13

All of which is respectfully submitted.

ISAAC PLATT.

JACOB VROMAN.

LEANDER D. BROWN.

Boundary line between New York and Connecticut, as located and marked by the New York Commissioners in 1860.

Description of the monuments, and the positions in which they were placed on the boundary line between New York and Connecticut, in conformity with the survey of 1860:

The monuments from the Massachusetts line to and including the tenth mile monument, are of sawed marble, eight inches square, from five to six feet in length, and standing out of the ground about two and a half feet. And the monuments from the tenth mile to Wilton angle, and including one west of said angle, also those at the twelfth and fifth mile points on the line parallel to the Sound, are of cut granite, finished two and a half feet, eight inches square at the base or surface of the ground, and six inches square at the top. And at the five and two mile points on the line from the Duke's trees to the stone at the wading place, are similar to those north of the tenth mile; the remainder being of rough granite slabs, varying in breadth and thickness. For the original monument points our monuments were marked with the number of miles corresponding to the original survey, and all other monuments were marked with the letters *N. Y.*, on the New York side, and *Ct.* on the opposite side.

At the Massachusetts line we set a monument on a ridge between two high hills in the Taghcanic mountains, one hundred and sixty rods east from the southwest corner of Massachusetts, and one hundred and twenty-two rods east from a bolt placed in a rock on the westernmost range of said mountains, and in the southerly line of Massachusetts.

At a distance of fifty-eight chains twenty-five links from the above mentioned monument, we placed a bolt firmly in the rock, and heaped up some stones near it, being on the east brow of a high ridge.

At a distance of one hundred and sixty chains seventy-four links from the Massachusetts line, we fixed a bolt in a rock, westerly from the southerly end of North pond, and fifteen chains fifty-nine links northerly from where the line crosses the outlet of Grass pond.

At a distance of two hundred and forty-four chains from the Massachusetts line, we set a bolt on a high, rocky ridge, on the northerly side of a run, or deep ravine.

At a distance of three hundred and six chains twenty-one links from Massachusetts line, we set a bolt in a rock about eighty feet east from the brow of a high ledge, which is east of a run, and pasture land.

For the forty-seventh mile we set a monument in the plain which is south of Taghcanic mountain, adjoining the land of William Kelsey, and about four hundred and seventy feet south of a highway running nearly east and west.

At the distance of forty-one chains six links from the forty-seventh mile monument, we set a monument in the road leading from Millerton to Lakeville, being at the junction of said road with the road from Spencer's Corners.

We have set a monument on the south side of a road leading from George Clark's, near Indian pond, to Lakeville, one hundred and twenty-nine chains nine links from the forty-seventh mile monument.

For the forty-fourth mile monument we set a monument at the southwest corner of the Ore-bed House dooryard, near Indian pond, about twelve rods on a perpendicular line east from Indian pond.

We have set a monument on the north side of a road leading from Millerton to Sharon Valley, by Norman Wheeler's, eighty-five chains nineteen links from the forty-fourth mile monument.

At the forty-second mile we set a monument on the brow of the bank, on the north side of Ten Mile river, where it runs easterly, and five chains twenty-nine links on the perpendicular line easterly from the east side of said Ten Mile river.

We also set a monument on the north side of a road leading from Sharon station on the Harlem railroad to Sharon Valley, at a distance of fifteen chains sixty-three links from the forty-second mile monument.

We also set a monument on the south side of a road leading from Amenia to Sharon, through Sharon Valley, at a distance of

one hundred and thirty-seven chains forty-seven links from the forty-second mile monument.

At the fortieth mile we set a monument in a wet piece of ground, about forty rods east on a perpendicular from Ten Mile river, and one hundred and sixty-seven feet, on a south forty-three degrees east course, from a well on the east side of a house occupied by George Wheeler.

We have set a monument on the north side of a road running nearly east and west, at a distance of twenty-nine chains fifty-four links from the forty mile monument.

We have set a monument in the north end of the street running nearly north and south through the village of Hitchcock's Corners, two hundred and seventeen chains twenty-one links from the forty mile monument, and fifty-five feet east from the northeast corner of Milo Winchester's house.

We have set a monument on the south side of the street leading southeasterly from the village of Hitchcock's Corners, at a distance of two hundred and twenty-nine chains eighty-one links from the forty mile monument. It is sixteen and seven-tenths feet east from the southeast corner of William Wattles' house.

We also set a monument on the south side of the highway which passes the dwelling of George Clark, three hundred and forty-seven chains forty-two links distance from the forty mile monument.

At the thirty-fifth mile we set a monument on the west side of a high hill, it being at the corner of the towns of Sharon and Kent in the State of Connecticut. This monument was placed three feet south of the center of a rock upon which is placed the original monument of 1731.

At the thirty-third mile we set a monument on the north side of the hollow rock on which was erected the original thirty-three mile monument, it being on the west side of a high hill.

We placed a monument on the north side of Bog Valley road, distance fifty-one chains fifty-seven links from the thirty-three mile monument.

We fixed a bolt in a rock, on the southeast brow of a high ridge in the Preston range of mountains, one hundred and eleven chains eighty-seven links from the thirty-three mile monument. The mountain road across to Dover Plains is at the bottom of the south slope of said ridge.

For the thirty mile point we placed a bolt in the rock where the monument remained, on the south side of a high hill, and set a monument in the line six and three-tenths feet south of the bolt.

We fixed a bolt in a rock on the east slope of a ridge, there being low wet ground to the east of said point, sixty chains eighty-three links from the thirty mile point.

For the twenty-eighth mile, we set a monument on the southeast slope of Schaghticoke mountains. The Preston lot and McDurf lot, in the State of New York, and the Housatonic Indian Reservation, in Connecticut, corner on this monument.

A monument was set on the east side of a road which runs southerly from the foot of Schaghticoke mountains, crossing Ten Mile river at the north end of Ten Mile hill. It is two hundred and thirty-one and a half feet north of the east window in the house now occupied by Hiram Allis, through which window the line passes.

For the twenty-sixth mile, we placed a monument on the northwest side of a high hill (called Ten Mile hill), thirty chains and ninety-six links, on a south ten degrees fifty-six minutes west course, from where the line crosses Ten Mile river.

We set a monument on the south side of a road leading from South Dover to Gaylord's Bridge, which is ninety-one chains from the twenty-six mile monument.

Also a monument on the south side of a road leading from South Dover to Sherman Centre, at the distance of one hundred and eleven chains fifteen links from the twenty-six mile monument.

Also a monument on the north side of a road leading from Quaker Hill to Sherman Centre, near the dwelling of John R. Caldwell. It is from five to six rods east of a bridge across a small stream, and two hundred and forty-four chains fifty-nine links from the twenty-six mile monument.

For the twenty-second mile, we set a monument on a rocky ridge, on the east side of New Fairfield hills.

We set a monument at the angle of a road which runs northerly from the dwelling of the widow Haviland, and where it runs easterly, at a distance of one hundred and nineteen chains and forty-three links from the twenty-two mile monument.

At the twenty mile point we set a monument in a wet piece of ground near the west side of a rocky ridge.

We also placed a monument at a distance of eighty-three chains

and sixteen links from the twenty mile monument, it being on the summit between the twenty and eighteen mile monuments.

For the eighteenth mile, we set a monument on the brow of a ledge, it being on the westerly side of a hill, and east of a ravine through which a small stream of water runs to the southeast.

A monument was placed on the south side of a highway called the Old turnpike, where it crosses a swamp. There is a low rocky ridge east of it, and it is thirty-seven chains eighty seven links from the eighteen mile monument.

Also a monument on the south side of a road which leads from Quaker Hill to Haviland Hollow, it being the first road north of Cranberry mountain. This monument is one hundred and six chains and thirty links from the eighteen mile monument.

For the sixteenth mile, we set a monument on Cranberry mountain. There are two small ponds to the southeast of it, the nearest of which is eighty-nine feet from said monument.

At a distance of eighty-three chains ninety-five links, from the sixteen mile monument, we placed a monument on the west bank of the east branch of Croton river, about one hundred and twenty-one feet north of a highway bridge across said river.

Also a monument on the south side of a road leading from Haviland Hollow to South East, one hundred and forty-three chains fifty-four links from the sixteen mile monument.

For the fourteenth mile point we set a monument on the northwest side of a hill, seventeen chains fifty-three links south of the last mentioned monument at the road crossing.

Also another monument on the north side of a road leading westerly from Ball's pond, about seventy-four chains forty links from the fourteen mile monument.

Also a monument on the north side of a road leading from Deloss Barnum's to the south end of Ball's pond, at a distance of one hundred and seventy-six chains sixty-nine links from the fourteen mile monument.

Also another monument on the north side of a road leading from Milltown to Ball's pond, at a distance of two hundred and fifty-six chains eighty-nine links from the fourteen mile monument, eighty-three and eight-twelfths feet east from the east side of a road running nearly north and south.

For the tenth mile, we placed a monument on the west of a high rocky hill, and east of the north end of a low rocky ridge. It is nearly equal distance from these land marks, in a meadow, about

one hundred and fifty-five feet north of a low rocky ridge in the line.

Also a monument on a high ridge, running northeasterly from round mountain, at a distance of fifty-nine chains thirty-six links from the ten mile monument.

And another on the north side of the highway leading from Milltown, in the town of Southeast to Danbury, at a distance of one hundred and forty chains forty-two links from the ten mile monument.

For the eighth mile we set a monument in a hollow on the east end of Joe's hill, fifteen chains twenty-eight links south of the last mentioned monument.

We also set a monument on the south side of the turnpike leading from Danbury to Brewster's Station, sixty-seven chains ninety-five links south of the eight mile monument.

At the sixth mile point we set a monument in a wet, stony meadow, on the north side of a swamp.

Also a monument on the west side of a road leading from Peach Pond to Ridgebury, at the southerly end of the road where it runs nearly north and south, and thence turns easterly. It is one hundred and nineteen chains fifty-four links from the six mile point.

For the fourth mile we set a monument in the north end of a boggy meadow, about twenty and one-half rods easterly from Mopo brook.

Also a monument on the south side of a road leading from North Salem to Ridgebury, fifty-one chains sixty-two links from the four mile monument.

And another on the south side of a road leading from North Salem to Ridgefield, eighty-one chains nineteen links from the four mile monument.

For the second mile we set a monument on the southwest side of a rocky ridge on Sarah Bishop's mountain.

We also set a monument on the south side of Sarah Bishop's mountain, in a small meadow, where the South Salem church's could be seen. It is seventy-two chains and four links from the two mile monument.

At the Ridgefield angle we set a monument on the north side of a hill which lies southeast of Long Pond. This monument is about six hundred and eighty feet southerly from where the line crosses a small brook that empties into said pond.

We next placed a monument on the north side of a road leading from Ridgefield to the west end of Long Pond. It is fifteen chains sixty-four links from the Ridgefield angle monument.

Then a monument on the north side of a road running nearly east and west along the north side of a large swamp. It is eighty chains eighty-eight links from the Ridgefield angle.

On the south side of the old turnpike known as the New York and Hartford turnpike, one hundred and nineteen chains fifteen links from the Ridgefield angle monument, we set another monument.

For the four mile point from Wilton angle we set a monument in a low wet meadow, fifty-eight feet north of a brook running through said meadow into a mill pond.

Also on the south side of a road leading from Lewisborough to Ridgefield, forty-six chains forty-five links from the four mile monument aforesaid we set another.

For the second mile we set a monument on the west side of a ridge four feet south of the centre of the old monument piled upon the top of a rock sticking out of the ground.

On the west side of a road which runs nearly north and south, on the south slope of a hill, at the distance of ninety-two chains seventy-two links from the two mile monument we placed another.

At the Wilton angle we placed a monument in the centre of the site of the heap of stones erected by the Commissioners of 1731. It is on the west side of Bald hill, and south of a large swamp called Bear swamp.

Also a monument on the east side of a road which runs nearly north and south, at a distance of twenty-six chains eighty-nine links westerly from the Wilton angle monument.

And another on the east side of a road running through the village of Vista. It is placed near the intersection of a road which runs nearly east and west.

At the southwest corner of the equivalent track we set a monument. It is on the east slope of a ridge of land which runs nearly north and south, the first ridge westerly from the village of Vista; also, it is on the east side of a highway, at the distance of one hundred and forty-three chains sixty-six links from the Wilton angle monument.

At the distance of eleven chains thirty-three links from the last mentioned monument we set a monument on the west side of a road leading from Vista to High Bridge.

At the distance of fifty-seven chains, sixty-two links from the southwest corner of the equivalent tract, we placed a monument on the west side of a road, near the southeast side of Mud pond.

For the twelve mile point in this line we set a monument on the northeast side of a hill about one hundred and twenty feet to the east of a large boulder lying on the top of the hill.

At the distance of twenty-five chains seventy-four links from the last mentioned monument, we set a monument on the east side of a road.

Also another on the west side of the road from Dantown to Vista.

At the distance of one hundred and three chains twenty-five links from the twelve mile monument, we placed a monument on the west side of the highway leading through Dantown to High Ridge.

Also at the distance of one hundred and sixty-six chains sixty-three links from the same place, another monument on the west side of the highway leading from High Ridge to Pound Ridge.

For the ninth mile point, we placed a bolt in a rock on the west ridge of a very high rocky ridge, lying between Miry Brook Swamp and Poole Swamp. It is forty feet from a large boulder on a north forty-one and one-half degrees west course.

At the distance of eighty-one chains fifty-seven links from the nine mile point, we set a monument on the west side of the highway leading through the village of Long Ridge, northerly to Bedford.

At the distance of two hundred and fourteen chains thirty links from the said nine mile point, we placed a monument on the west side of the road running nearly north and south along the ridge between Banksville and Long Ridge.

At the distance of two hundred and sixty chains sixty-two links from said nine mile point, we set a monument on the north side of a highway running nearly parallel with the line through the village of Banksville. The monument is near where the said highway crosses the line and turns southerly.

At two hundred and eighty-seven chains eighty-eight links from said nine mile point, we placed a monument on the south side of the street or highway, last above mentioned, and near the junction of said street with the street running north and south through said village and crossing the line.

For the fifth mile, we set a monument on the northwest slope of a hill, there being swampy ground north of it.

At the distance of sixty-nine chains seventy-seven links from the five mile monument, we set a monument on the west side of a road, in front of the dwelling house of Samuel Thomas.

At the distance of one hundred and eight chains seventy-five links from the five mile monument, we placed a monument on the east side of a road. There is a knoll to the east and a swamp to the west of the monument.

At the distance of one hundred and forty-eight chains ten links from the first mile monument, we placed a monument on the north side of a highway.

At the distance of two hundred and forty-three chains thirty-eight links from the five mile monument, we set a monument on the west side of the road leading from Bedford to Port Chester.

At the place called the Duke's Trees, in the ancient survey, we found a stone marked with the letters G. R., as described in that survey, lying in the ground on the west side of the beaten track of the highway.

For reference, we set a monument on a south sixty-six degrees twenty-five minutes west course, and easterly thirty feet from said stone, and another westerly thirteen feet and seven-tenths of a foot from said stone, on the same course.

At the distance of ninety-two chains thirty links from the marked stone at the Duke's Trees, we set a monument in the field west of King Street road, being on the land of John Brimlow, south of his dwelling.

For the fifth mile point on this line we set a monument thirty-two rods, on a west-southwest course, from the old chimney in the Clapp house, mentioned in the survey of 1725.

At the distance of four chains twenty-nine links from the above mentioned point we set a monument on the north side of a road leading from Bedford to White Plains.

At the distance of eighty-eight chains twelve links from the fifth mile, we set a monument on the west side of King Street road, a short distance south of the house of Joseph Fields.

At the distance of one hundred and forty-four chains sixty-six links from the five mile point we placed a monument on the east side of King Street road.

At the distance of one hundred and eighty-three chains seventy-three links from the five mile point aforesaid, we set a monument

on the north side of a road running westerly from the King Street road.

For the two mile monument in this line, we set a monument on the east side of King Street road, opposite the site of the old William Anderson house, as designated by the old foundation of the same remaining.

At the distance of fourteen chains twenty-seven links from the last mentioned point, we placed a monument on the east side of the carriage track of King Street road.

At the distance of fifty-three chains twenty-nine links from the two mile point aforesaid, we placed a monument on the east side of King Street road, where the road leaves the line and bears westerly from it.

At the distance of ninety-three chains eighty-three links from the two mile point, before mentioned, we set a monument on the northeast slope of a high ridge, lying westerly from the screw factory on Byram river.

The great stone at the wading place is a large rock, in which is a copper bolt, on the east side of Byram river, adjoining the bridge on the turnpike from New York to New Haven.

From the said great stone at the wading place south seventeen degrees forty-five minutes west, twelve chains and sixty links, is a rock in the river, in which is a copper bolt, which can be seen at low tide.

Thence down the river, on courses and distances which are given in the foregoing report. And each of these lines were extended on the bank of the river, and a bolt placed permanently in the rock, so as to secure a range to determine the angle or intersection of the lines thus surveyed; and the angles are declared to be where the lines meet and terminate in each other.

Dated ALBANY, February 8th, 1861.

ISAAC PLATT,
JACOB VROMAN,
LEANDER D. BROWN,
Boundary Commissioners.
HIRAM S. DEWEY,
Chief-Engineer.

ENGINEER'S REPORT.

ALBANY, February 8th, 1861.

TO MESSRS. ISAAC PLATT, JACOB VROMAN and L. D. BROWN,

New York Boundary Commissioners:

Sirs—I herewith transmit to you a report of the survey of the New York and Connecticut boundary line, executed under your personal observation; and also a map of said line made according to your direction.

Respectfully yours,

H. S. DEWEY.

Report of the Survey of the Boundary Line.

A surveying party was organized by the undersigned as chief-engineer, with John Evans as assistant, and a suitable number of flagmen, axemen and chainmen, under your direction as New York Boundary Commissioners, and placed in the field on the 8th day of June. The survey was commenced at a monument in the Massachusetts line, answering to the description of a monument erected in the year 1731, by the Commissioners and surveyors of New York and Connecticut, as the northeast corner of the equivalent tract, or oblong, ceded to New York by Connecticut, in said year.

Starting from this point, we ran a random line to the forty-seventh mile monument point, which was pointed out by Mr. William Kelsey, he having owned the land for nearly half a century. Mr. Kelsey says his informant was a gentleman by the name of Bird, who owned the land on which the monument was erected, at the time of the survey, and remembered distinctly of its being placed there by the Commissioners and surveyors of the year 1731, which random line was one hundred and eighty-nine feet east of said monument point.

I may here remark the lines were run with care and precision. The instrument used being a transit, and all measurements made were horizontal measurements, and done in the best possible manner the same could be made on the surface of the land.

Having calculated the angle necessary to overcome the departure, the line was retraced in detail and measured. The course adopted being south eleven degrees twenty minutes west, distance four hundred and sixty-four chains sixty-nine links, to the forty-seventh mile monument point.

Thence from the forty-seventh mile monument, south twelve degrees thirty-four minutes west, two hundred and thirty-nine

chains fifty-seven links to the forty-fourth mile monument point, described as being twelve rods east from Indian pond.

Thence south eleven degrees thirty-three minutes west, one hundred and sixty chains ninety-nine links to the forty-second mile monument point, described as being on the brow of a steep bank on the north side of Ten Mile river, where it runs easterly, and likewise twenty-one rods on a perpendicular east from the east side of Ten Mile river. The measurement was made to Ten Mile river at this place, and distance found to differ only three links.

Thence from the forty-second mile monument south thirteen degrees sixteen minutes west one hundred and sixty-one chains twenty-four links to the fortieth mile monument point, being in Sharon valley, and described as being forty rods on the perpendicular line easterly from Ten Mile river.

Thence south twelve degrees twenty-one minutes west, three hundred and ninety-eight chains twenty one links to the thirty-fifth mile monument, which is described by a heap of stones placed on the top of a rock on the west side of a hill, which was found answering to the old description in every respect, and the corner of the towns of Sharon and Kent is established there.

The thirty-seventh mile monument was not found. There is nothing existing to mark its original location, and a straight line from the fortieth to the thirty-fifth mile point follows on the traditionary line wherever it could be traced, and passes through the village of Hitchcock's Corners, where the oldest inhabitants have always considered the line to be.

Thence from the thirty-fifth mile monument south twelve degrees thirty-two minutes west, one hundred and fifty-eight chains ninety-six links to the thirty-third mile monument, which was found on the top of a hollow rock on the west side of a hill, as described in the original survey.

There was another place pointed out by a Mr. Whitney, as being the original thirty-three mile monument. The location of this is two thousand three hundred feet too far south, and is seven hundred and fifty west of our present line, and would be nine hundred and thirty-six feet west of a straight line between the thirty-fifth and thirtieth mile monuments, which are not discredited by any one living in the vicinity.

Thence from the thirty-third mile monument south eleven degrees forty-four minutes west, two hundred and forty-three

chains thirty-seven links to the thirtieth mile monument, standing on the south side of a hill on Preston mountain.

Thence from the last mentioned monument south twelve degrees twenty-seven minutes west, one hundred and sixty-one chains thirty-two links to the twenty-eighth mile monument, standing on the south end of Schaghticoke mountain.

After leaving the thirty-fifth mile monument the line passes over the west slope of Round mountain, thence across Bog valley to a range of mountains known as the Schaghticoke range, leaving said mountains soon after passing the twenty-eighth mile monument.

Thence from the twenty-eighth mile monument south ten degrees fifty-six minutes west, one hundred and sixty chains to the twenty-sixth mile monument point, described in the original survey as being on the west side of a high hill, and thirty-five chains forty-five links on a perpendicular line east from the east side of Ten Mile river.

Thence from the last mentioned monument south eleven degrees thirty-nine minutes west, three hundred and twenty chains eleven links to the twenty-second mile monument, which was found on the east side of New Fairfield hills, answering to the original description of 1731.

The twenty-fourth mile monument point was passed with a straight line running from the twenty-sixth to the twenty-second mile monument. There was nothing found to mark the original location of said monument. The straight line follows nearly on the traditionary line, where any evidence of it was found.

Thence from the twenty-second mile monument south twelve degrees eighteen minutes west one hundred and sixty-three chains seventeen links to the twentieth mile monument, standing in a wet piece of ground, on the west of a steep rocky hill.

Thence from the last mentioned monument south eleven degrees forty-nine minutes west one hundred and fifty-nine chains nine links to the eighteenth mile monument, which was found as described by the old survey, it being a heap of stones on a rocky ledge on the west side of a hill.

Thence south twelve degrees nineteen minutes west one hundred and fifty-seven chains fifteen links to the sixteenth mile monument on Cranberry mountain, and being near two pond as described by the survey of 1731.

Thence from the sixteenth mile monument south ten degrees eleven minutes west one hundred and sixty-one chains seven links to the fourteenth mile monument. This monument was found on the northwest side of a hill, answering to the description of 1731.

Thence from the last mentioned monument south ten degrees fifty-one minutes west three hundred and thirteen chains forty-one links to the tenth mile monument point, it being in a wet piece of ground to the west of a high hill.

There was a place pointed out to us for the twelfth mile monument point, it is one thousand three hundred and forty-two feet too far north, and one hundred and sixty-one feet east of our straight line from the fourteenth to tenth mile monument.

Thence from the tenth mile monument south twelve degrees twenty-four minutes west one hundred and fifty-five chains seventy-one links to the eighth mile monument, it being in a hollow on a high rocky hill.

Thence south ten degrees nineteen minutes west one hundred and fifty-nine chains twenty-eight links to the sixth mile monument point, it being in a wet piece of ground on the north side of a swamp, as described in the old survey of 1731.

Thence from the sixth mile point, south twelve degrees ten minutes west one hundred and sixty-four chains forty-two links to the fourth mile monument, which was found in a low piece of ground, and was twenty and a half rods east from Mopo brook.

Thence from the fourth mile monument, south eleven degrees forty-four minutes west one hundred and fifty-eight chains ninety-nine links to the two mile monument, which was found on the west side of a rocky hill, as described by the survey of 1731.

Thence from the two mile monument, south fourteen degrees ten minutes west, one hundred and nine chains forty-one links to the Ridgefield angle monument, which was found on the north side of a hill which lies southeasterly from the east end of Long pond.

The survey of these lines was completed on the 18th day of August, making the distance from Massachusetts line to the Ridgefield angle fifty-two miles and thirty-five rods; a difference of only five rods in distance from the survey of 1731, after making a correction for the angle at the Massachusetts line and at Ridgefield angle.

Commencing at the Ridgefield angle monument, where the last

mentioned line terminated, running thence south twenty-five degrees eight minutes east two hundred and thirteen chains thirty-nine links to the fourth mile monument, on the east line of the oblong, between the Wilton and Ridgefield angles. This monument was found in a wet piece of ground, and on the north side of a brook, which bears the name of Mill River brook, and runs into a sawmill pond, as described in the original survey.

Thence from this last mentioned monument, south twenty-four degrees forty-eight minutes east, one hundred and fifty-seven chains sixty-three links to the two mile monument, it being on the west brow of a stony ridge of land, on the top of a rock sticking out of the ground.

Thence from the last mentioned point, south twenty-four degrees fourteen minutes east, one hundred and sixty-seven chains twenty-eight links to the Wilton angle monument, or southeast corner of the oblong, as set off by the commissioners of 1731.

Thence from the Wilton angle monument, south sixty-seven degrees forty-five minutes west one hundred and thirty-eight chains seventy-six links to the southwest corner of the oblong, and being where the survey of 1725 terminated.

Thence south sixty-five degrees forty-four minutes west ninety chains eighty-seven links to a point which was called a monument in the State line. I have no doubt of its being the original twelfth mile monument. It is fifty-two links less than twelve miles from the angle at the Duke's trees.

Thence from the last mentioned point, south sixty-six degrees fifty-six minutes west, two hundred and forty-one chains ninety-three links to a point called the ninth mile monument. This monument was found on a rocky ridge of land between two swamps. It did not have an ancient appearance, but if an original monument, it was for the ninth mile.

Thence from this last mentioned point, south sixty-six degrees forty-five minutes west three hundred and nineteen chains twelve links to the fifth mile monument point, being about two thousand feet west from Banksville.

After passing the ninth mile, the line passes through a dense swamp, known as Pool's swamp, thence over Long ridge, afterwards crossing a deep valley through which runs the Maharness river, thence across McKay's ridge to the village of Banksville, following on the traditionary line wherever it was pointed out to us.

Thence from the fifth mile monument, south sixty-six degrees twenty-five minutes west three hundred and ninety-eight chains forty links to the angle at the Duke's trees. At this point we found the stone marked with the letters G. R., as described in the survey of 1725, lying in the ground on the west side of the wagon track at the north end of King street.

Thence from the Duke's trees south twenty-three degrees thirty-eight minutes east one hundred and seventy-two chains ninety-three links to a point which is west southwest, and distant thirty-two rods from the chimney in the old Clapp house. The foundation of said chimney is now standing, and the distance was measured therefrom.

Thence from the last mentioned monument, south twenty-four degrees twenty-one minutes east two hundred and twenty-four chains seventy-eight links to a point opposite the old William Anderson house, mentioned in the survey of 1725; its foundation now remains, and was pointed out to us as the foundation of said house.

Thence from this last mentioned point, south twenty-four degrees nineteen minutes east one hundred and seventy-three chains seven links to the great stone at the ancient wading place on Byram river.

The survey was continued down the said river, following the channel as near as it could be ascertained, with courses and distances, as follows:

From the stone at the wading place, south seventeen degrees forty-five minutes west twelve chains sixty links, to a rock in the river, which can be seen at low tide, and in which there is a bolt, thence south twenty-seven degrees west fifty-five chains nineteen links; thence south seven degrees twenty minutes east thirteen chains forty-five links; thence south twelve degrees ten minutes east sixteen chains thirteen links; thence south two degrees forty minutes east nine chains four links; thence south twenty-eight degrees twenty-five minutes east nine chains fifty-four links; thence south eighteen degrees forty minutes east four chains seventy-seven links; thence south eleven degrees fifty-five minutes west six chains thirty-three links; thence south fifty-eight degrees ten minutes west to where it falls into the Sound. Each of those lines were extended on to the bank of the river, and a bolt placed permanently in the rock, so as to secure a range to determine the angle or intersection of the lines thus surveyed, and the angles are declared to be where the lines do meet and terminate in each other.

Making the entire length of the line, exclusive of the river survey, eighty and ninety-one hundredths miles, and including the river survey, eighty-two and sixty-four hundredths miles.

The survey was completed and party disbanded on the 25th of September, having been in the field about one hundred and ten days.

There have been monuments erected at all the angle points, and at road crossings, wherever it was deemed necessary to permanently mark the line.

I have prepared, and herewith present, a map of the line, embracing such portions of the adjoining territory as is necessary to properly understand the several points referred to.

Care has been taken to make the descriptions full, for the convenience of the people and for future reference, to avoid controversies.

All of which is respectfully submitted.

H. S. DEWEY, *Chief-Engineer.*

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